



Department
for Transport

Road Vehicles

Improving air quality and safety.

Government Response

June 2018

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Foreword

Addressing the issues of air quality and climate change are key priorities of this Government. This consultation covered a small but important package of measures; most of the package was received favourably, and will be implemented shortly.

I remain very concerned about the continuing impact of the VW emissions scandal, both on customers and on society as a whole, and the deplorable behaviour of the company itself. I can now announce that the Government will be implementing additional penalties for manufacturers supplying vehicles with defeat devices. This includes not just the manufacturers of cars, goods vehicles and buses, but manufacturers of motorcycles and agricultural vehicles as well.

Our proposal to implement stricter emissions rules for kit cars was a minor part of the package. But it raised serious concerns among kit car enthusiasts, and attracted the vast majority of the 2340 responses received. There were numerous objections, pointing out among other things the importance and value of the UK's specialist vehicle industry. We have reflected on these concerns and have decided not to proceed with this aspect of the proposal.

The Department is keen to ensure the continuing viability of smaller specialist manufacturers, such as companies converting vehicles for wheelchair users. Their input to the consultation was a useful reminder of the importance of this sector and we will continue to respond to their concerns. I have instructed the DfT Agencies to continue their good work in this area.

Finally, I was very glad to see the warm reaction to the safety measures we proposed. Our efforts to improve the safety of all road users will continue, and we will continue to make improvements, whether through regulation or consumer information programmes such as EuroNCAP.

Jesse Norman MP

Parliamentary Under Secretary of State for Transport

1. Introduction

- 1.1 Government sets the safety and environmental standards applicable to new vehicles, which are enforced through various type approval schemes. The standards are developed with our international partners, both within the EU and beyond, with the assistance of the manufacturing industry. They are constantly being updated to benefit road safety, improve air quality and reduce carbon emissions relevant to climate change.
- 1.2 Following the VW Dieselgate scandal, the Department has considered whether additional penalties for manufacturers circumventing regulatory requirements should be introduced. This consultation proposed to implement penalties for supplying a vehicle with a device designed to circumvent emissions testing (a "defeat device"). This follows two consultations in 2017 on introducing a similar offence for two other categories of motor vehicle.
- 1.3 Alongside this, the consultation proposed moving to a new laboratory test cycle, the Worldwide harmonised Light vehicle Test Procedure (WLTP), to improve the regulated information that is provided to the consumer on fuel consumption, by providing a more rigorous basis for comparison between different vehicles and more granular vehicle-specific figures.
- 1.4 The consultation also proposed to ensure that specialist and low volume vehicles undergoing National Small Series Type Approval (NSSTA) and Individual Vehicle Approval (IVA) would be subject to the latest improved environmental and safety standards, with limited waivers where appropriate.
- 1.5 Finally the consultation proposed stricter measures to deal with the transition to the new WLTP testing for cars and vans, in order to speed up the introduction of the latest specification vehicles.
- 1.6 The scope of the consultation (and the responses detailed in this report) cover both Great Britain and Northern Ireland. The consultation ran for 4 weeks from 2 February to 2 March 2018.

Responses

- 1.7 The Department received 1466 responses on the online digital response form and 33 responses via email answering the same list of questions and sent to an email address dedicated to consultation responses, totalling 1499 responses.
- 1.8 The Department also received a total of 841 letters and emails responding to the kit car proposal and not commenting on other aspects of the consultation. This included correspondence sent to constituency MPs and forwarded to the Department, as well as correspondence sent directly to Ministers, to officials or to the consultation email address. Given that these correspondents did not

comment on any other issue, they have not been included in the summaries in section 2 of this document, other than noting their numbers under the kit car question.

- 1.9 This gave a grand total of 2340 pieces of correspondence which were considered. These responses were from both individuals and organisations, and split as follows:

Type of response	Number of responses
Individual	1431
Organisation	68
Email/letter (single issue)	841
Total	2340

- 1.10 Included in the 841 single issue (kit car) responses were a substantial number of responses based on one of several template responses that various interested parties had created.
- 1.11 The kit car concerns were in response to the proposal to eliminate the current rule whereby emissions testing is based on the age of the engine rather than assuming a kit car is a new vehicle. More details are given in section 2, under question 16 on kit cars.

Summary of questions

Q4-5	Defeat device penalties
Q6-7	Publication of official test figures for fuel consumption and CO2 emissions using WLTP
Q8-22	Emissions rules in national schemes - heavy duty, light duty, kit cars and innovation.
Q23-33	Safety rules in national schemes - mirrors, rear under-run and alternative fuel vehicles
Q34-39	End of series derogations
Q40-41	Other miscellaneous proposals
Q42-44	Vehicle regulation following EU Exit
Q45-48	Impact Assessment - De Minimis Assessment
Q49	Anything not covered above

Previous consultation on defeat device penalties

- 1.12 We previously consulted on the introduction of defeat device offences during implementation of parallel Agricultural vehicle and Motorcycle framework regulations. Those consultations and the government responses can be viewed at the following links:

<https://www.gov.uk/government/consultations/agricultural-vehicles-implementing-eu-regulation-1672013>

<https://www.gov.uk/government/consultations/motorcycles-implementing-eu-regulation-1682013>

Next steps

- 1.13 The Road Vehicles (Defeat Device, Fuel Consumption and Type Approval) Regulations 2018 will be laid in Parliament in due course. These will implement the proposals made in this consultation, and thus amend the Road Vehicle (Approval) Regulations (SI 2009/717) and the Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001 (SI 2001/3523). In addition, they will amend two other sets of regulations, the Motorcycles (Type-Approval) Regulations 2018 (SI 2018/235) and Agricultural and Forestry Vehicles (Type-Approval) Regulations 2018 (SI 2018/236), to introduce defeat device penalties for these categories of vehicle and to make a minor correction in these two regulations.

EU Referendum

- 1.14 The government triggered Article 50 of the Treaty on European Union on 29th March 2017 to begin the process of exit. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will also continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in the future once the UK has left the EU.

2. Responses in detail

Defeat device penalties

Q4: Do you agree that supplying a vehicle fitted with a defeat device should be an offence?

Q4	Number of Responses
Yes	954
No	234
No answer	311

- 2.1 A large majority of those who expressed an opinion were content (80%) in principle with the proposal.
- 2.2 Positive responses generally agreed that a strong deterrent against fitting defeat devices, to include criminal penalties, was needed, and noted that widespread fitment of these devices had a negative effect on air quality.
- 2.3 Several responses commented on the necessity of, but also the difficulty in, defining exactly what was to be prohibited. One industry association suggested that the definition of "defeat device" should be widened to include within scope, devices fitted after a vehicle is registered, and to prohibit the removal or disabling of emissions control devices.
- 2.4 The negative responses generally either made the point that a specific group (such as dealers) should not be liable, which is covered in more detail in the next question, or pointed out that removing or disabling emissions control devices can sometimes prolong the life of a vehicle, as repair is not cost-effective. We can clarify that the latter situation is not a defeat device for the purposes of the new penalties, although may be covered by other legislation.

Q5: Do you agree that the offence should be made so that the manufacturer / importer / dealer could be found guilty?

Q5	Number of Responses
The manufacturer could be found guilty	911
The importer could be found guilty	252
The dealer could be found guilty	221
No answer	549

2.5 It can be seen that the number of responses in favour of penalising the listed parties drops as one gets further removed from the manufacturer. Generally the manufacturer was seen as primarily responsible for the defeat device, an importer would be less likely to know about the device and a dealer even less likely to know about it. The latter two parties were also seen to be unlikely to have the technical capability to find such a device and respondents felt that it would be unreasonably onerous and costly to ask them to check for one as a matter of course. There were also a number of responses to question 4 which pointed out that penalising dealers and independent importers would be unfair, for the same reasons.

Official fuel consumption and CO2 emissions using WLTP test results

Q6: Under the proposals published official fuel consumption information for all new cars will change to that obtained from the new worldwide harmonised light vehicles test procedure (WLTP). Do you agree that this should take effect from 1 January 2019?

Q6	Number of Responses
Yes	755
No	352
No answer	392

2.6 The majority of respondents who expressed an opinion were content (68%) with this proposal.

- 2.7 A little over a third of those who objected gave a reason. Their main concern was the impact on small series ‘specials’ such as kit cars. In fact the regulations do not apply to kit cars and other specialist cars.
- 2.8 Other reasons for objecting included criticism of the WLTP methodology, questioning of the need for harmonisation of standards, or unconnected reasons.
- 2.9 A very small number, including one of the larger industry associations, wanted the date brought forward on the grounds that consumers need this information as soon as possible.
- 2.10 A similar number, including some of the major industry associations, wanted the date to be put back to the 6 April 2020 to align with related changes to taxation.

Q7: Under the proposals published specific CO2 emissions for all cars will change to those obtained from the new WLTP testing. Do you agree that this should take effect from 6 April 2020?

Q7	Number of Responses
Yes	503
No	585
No answer	411

- 2.11 The above results have been corrected for responses triggered by the kit car proposal (Q16), who were in favour of the proposal for the mass production new car market, but concerned over the potential impact on their particular vehicle type. In fact the regulations only apply to new mass produced cars, hence kit cars and used vehicles are not obliged to undergo testing or publish a figure for fuel consumption.
- 2.12 A little under half of those who were against the proposed date did not give a reason. Almost a third were again due to concerns over kit cars and other vehicles that are exempt, including classic/second hand vehicles, so can be disregarded. A further 10% were unhappy with regulation on this topic, had concerns over the new methodology or gave unconnected reasons. A small number (less than 5%) considered that the consultation was rushed, or that the methodology needed further development, and therefore the adoption date should be put back.
- 2.13 Some of the larger stakeholders considered that there should be a single adoption date for fuel economy and CO2 emissions as otherwise official consumer information will be based on two sets of unrelated figures.

Emissions approval for heavy duty vehicles

Q8: Do you agree with the introduction of Euro 6 (heavy duty) emissions standards for buses in both national small series type approval (NSSTA) and individual vehicle approval (IVA) schemes?

Q8	Number of Responses
Yes	620
No	444
No answer	435

- 2.14 The majority of respondents who expressed an opinion were content (58%) with the proposal to require compliance with Euro 6 (often known as Euro VI by the industry) heavy duty emissions standards for buses in scope of these requirements.
- 2.15 The total number of objectors was increased by a large quantity of respondents chiefly concerned with kit cars, who tended to answer "no" to the questions that were not relevant to kit cars and then say that they were content with our changes as long as they did not affect kit cars. In practice, therefore, it was a very small proportion of respondents who genuinely believed we should not apply these standards to buses.
- 2.16 A few responses argued that these emissions regulations were too stringent, whilst a few argued that they were not stringent enough, invoking a desire to change to electric propulsion almost overnight, particularly in urban areas.
- 2.17 There were also some comments which were more about timing, see question 10 below.

Q9: Do you agree with the introduction of Euro 6 (heavy duty) emissions standards for trucks in both national small series type approval (NSSTA) and individual vehicle approval (IVA) schemes?

Q9	Number of Responses
Yes	572
No	480
No answer	447

- 2.18 The majority of respondents who expressed an opinion were content (54%) with the proposal to require compliance with Euro 6 (often known as Euro VI by the industry) heavy duty emissions standards for trucks in scope of these requirements.
- 2.19 The total number of objectors was increased by a large quantity of respondents chiefly concerned with kit cars, who tended to answer "no" to questions that were not relevant to kit cars. These respondents could be divided into those who would then say that they were content with our changes as long as they did not affect kit cars, and those who genuinely seemed to have misunderstood the question and thought it was about kit cars. In practice, therefore, it was a very small proportion of respondents who genuinely believed we should not apply these standards to trucks.
- 2.20 A few responses argued that these emissions regulations were too stringent, whilst a few argued that they were not stringent enough, invoking a desire to change to electric propulsion almost overnight, particularly in urban areas.
- 2.21 There were also some comments which were more about timing, see question 10 below.

Q10: Do you support the proposed introduction date of 3 months after these regulations are signed (an expected date of approximately 1 July 2018)?

Q10	Number of Responses
Yes	330
No	740
No answer	429

- 2.22 Only 31% of respondents expressing an opinion were content with the proposal around build date. However, the total number of objectors was increased by a large quantity of respondents chiefly concerned with kit cars, who tended to answer "no" to questions that were not relevant to kit cars. These respondents could be divided into those who would then say that they were content with our changes as long as they did not affect kit cars, and those who genuinely seemed to have misunderstood the question and thought it was about kit cars. In practice, therefore, it was a much smaller proportion of respondents who genuinely believed that the proposed introduction date was inappropriate.
- 2.23 Some respondents felt that 3 months was not long enough notice of a new requirement, although these respondents had no apparent connection to bus manufacturing, so were perhaps responding on a more generalised basis, making the general point that changes to regulations require suitable notice.
- 2.24 There were also some objectors who felt that this change should happen sooner, based on the need for further air quality improvements.

2.25 The industry stakeholders were generally content, subject to some detailed technical questions which we will respond to separately.

Emissions approval for light duty vehicles

Q11: Do you agree with the introduction of WLTP in NSSTA for light vehicles built after 1 September 2018?

Q11	Number of Responses
Yes	348
No	858
No answer	293

2.26 A minority of those answering this question were content (29%) with the proposal to require WLTP in NSSTA. However, the total number of objectors was greatly increased by a large quantity of respondents chiefly concerned with kit cars, who tended to answer "no" to questions that were not relevant to kit cars. These respondents could be divided into those who would then say that they were content with our changes as long as they did not affect kit cars, and those who genuinely seemed to have misunderstood the question and thought it was about kit cars. In practice, therefore, it was a very small proportion of respondents who genuinely believed that vehicles submitted for NSSTA should not have to comply with WLTP.

2.27 There were a number of respondents who accepted the introduction of WLTP but requested more lead time, generally low volume specialist manufacturers or converters, who are finding it difficult to get time in a laboratory to carry out the development and testing work needed to comply.

Q12: Do you agree with the introduction of WLTP in IVA for light vehicles built after 1 July 2018?

Q12	Number of responses
Yes	219
No	982
No answer	298

- 2.28 A minority of those who expressed an opinion were content (18%) with the proposal to require WLTP in Normal IVA (often known as "NIVA"). However, the total number of objectors was increased by a large quantity of respondents chiefly concerned with kit cars, who tended to answer "no" to questions that were not relevant to kit cars. These respondents could be divided into those who would then say that they were content with our changes as long as they did not affect kit cars, and those who genuinely seemed to have misunderstood the question and thought it was about kit cars. In practice, therefore, it was a very small proportion of respondents who genuinely believed that vehicles submitted for Normal IVA should not have to comply with WLTP. Some confusion was understandable with this question, given that kit cars are submitted for a form of IVA. Kit cars are submitted for Basic IVA ("BIVA") and as noted in the Consultation document we are not proposing to require compliance with WLTP for kit cars or indeed any vehicle eligible for the BIVA scheme.
- 2.29 There were a number of respondents who could accept the introduction of WLTP but requested more lead time, generally low volume specialist manufacturers or converters, who are finding it difficult to get time in a laboratory to carry out the development and testing work needed to comply. In general the date of 1 July 2018 was seen as being too early.

Q13: Do you agree with our proposal to cater for companies converting light vehicles (multi-stage build), permitting an increase in unladen weight, on condition that emissions control devices are not removed?

Q13	Number of responses
Yes	611
No	381
No answer	507

- 2.30 The majority of those answering this question were content (62%) with the proposal to permit converters to add weight (such as bodywork) to the unladen chassis whilst still being considered to comply with the emissions approval of the base vehicle.
- 2.31 The number of objectors was increased by a large quantity of respondents chiefly concerned with kit cars, who tended to answer "no" to questions that were not relevant to kit cars. These respondents could be divided into those who would then say that they were content with our changes as long as they did not affect kit cars, and those who genuinely seemed to have misunderstood the question and thought it was about kit cars. In practice, therefore, it was a tiny proportion of respondents who genuinely believed that this waiver for converters should not be given.

Q14: Do you agree with our proposal to cater for companies converting light vehicles (multi-stage build), permitting an increase in frontal area, on condition that emissions control devices are not removed?

Q14	Number of responses
Yes	613
No	360
No answer	526

2.32 The majority of those answering this question were content (63%) with the proposal to permit converters to increase frontal area (such as by adding bodywork higher than the base vehicle's cab) of the unladen chassis whilst still being considered to comply with the emissions approval of the base vehicle.

2.33 The number of objectors was increased by a large quantity of respondents chiefly concerned with kit cars, who tended to answer "no" to questions that were not relevant to kit cars. These respondents could be divided into those who would then say that they were content with our changes as long as they did not affect kit cars, and those who genuinely seemed to have misunderstood the question and thought it was about kit cars. In practice, therefore, it was a tiny proportion of respondents who genuinely believed that this waiver for converters should not be given.

Q15: What other views do you have on the emission rules for light vehicle converters?

Q15	Number of responses
Answered	336
No answer	1163

2.34 A substantial number of respondents supplied additional comments. There were a number of comments supportive of SME (Small- and Medium-sized Enterprise) converters engaged in multi-stage build, pointing out the difficulties that they experience with the type approval system, given the high cost of testing and lack of flexibility when modifying a base vehicle, and the essential nature of some of the specialised vehicles which are converted. The latter include Wheelchair Accessible Vehicles (WAVs), which provide vital mobility for wheelchair users.

2.35 There were no proposals of substance beyond the waivers we proposed in questions 13 and 14. There were also some comments from respondents chiefly concerned with kit cars, which were not strictly relevant.

2.36 Some responses were seeking clarification or minor changes in some of the terminology used. VCA and DVSA will continue their regular liaison with the industry to ensure clarity is provided around the assessment criteria.

Kit car emissions testing

Q16: Do you agree with requiring kit cars submitted for IVA to meet the latest MOT standards, thereby removing the rule that kit cars are IVA tested to MOT standards according to engine age?

Q16	Number of responses
Yes	70
No	1343*
No answer	86

* plus 840 additional respondents, see below

- 2.37 The vast majority of those who expressed an opinion were **not** content (95%) with the proposal to apply more rigorous rules for kit car (known as "amateur built" in legislation) emissions testing in Basic IVA (BIVA).
- 2.38 In addition, 841 letters and emails were received on this topic by the Department, whether addressed to Ministers or officials. All of these were solely or primarily concerned with this proposed change on kit cars, and all were against it. These were also considered as part of the consultation, giving a grand total of **2184** responses that were opposed to the kit car proposal.
- 2.39 Respondents argued fitting catalytic converters and more modern engines to kit cars would lead to negligible positive impact on the environment, given the low proportion of kit cars in the fleet, the low average mileages travelled and low proportion of travel in urban areas. On the other hand respondents cited the expected enormous negative impact on the industry, with concerns around harming authenticity, increasing cost, packaging difficulties and technical issues with using modern engines with immobilisers designed for a specific application.
- 2.40 In addition, a lot of respondents argued that a change of this nature could not be made quickly but would require suitable notice, because the timeline for constructing a kit car can be extensive, up to ten years and several respondents had experience of a longer period. Constructors really valued the current ability to purchase an engine of a given build date and be confident that when the vehicle was finally complete it would still be assessed against age-appropriate standards.
- 2.41 The potential harmful impact of the proposed changes on the industry supporting amateur builders was mentioned, with respondents pointing out that the kit car sector was part of a larger UK specialist car industry which was world leading and a source of exports.

2.42 There were also comments around sustainability, the re-use of older engines was argued to be positive in that it was essentially recycling, and it was preferable to scrapping a functioning engine.

Innovative propulsion technologies

Q17: Do you agree we should approve vehicles running on a mixture of diesel and hydrogen (dual fuel)?

Q17	No. of responses
Yes	907
No	155
No answer	437

2.43 A strong majority of those who expressed an opinion were content (85%) with the proposal to permit dual fuel vehicles where the fuel burned was a mixture of hydrogen and diesel. There was generally support for such innovative measures which may reduce carbon emissions, and improve air quality.

2.44 See question 19 below for the reasons behind any objections.

Q18: As no current EU standard exists, what are your suggestions for suitable dual fuel emissions test specifications or standards?

Q18	No. of responses
Answered	373
No answer	1126

2.45 A number of respondents made suggestions, which were generally supportive of using existing EU emissions tests with minor modifications. A trade association and a few other respondents stated that compliance should be checked in both diesel and dual fuel mode. One respondent from the industry proposed to allow use of the CO₂ emissions figure obtained when operating on pure hydrogen only if the vehicle has a small tank for diesel.

Q19: If you answered that you don't agree (with the proposal made in Q17), why not?

Q19	No. of responses
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Answered	97
No answer	1402

2.46 There were no clear trends in the rationale for those answering no. A handful of respondents were concerned with prolonging the use of diesel (preferring to switch to pure hydrogen or pure electric) whilst others were a little wary of using hydrogen in a vehicle.

Q20: Do you agree we should approve electric heavy duty vehicles with Range Extender engines taken from light duty vehicles?

Q20	No. of responses
Yes	863
No	134
No answer	502

2.47 A strong majority were content (87%) with the proposal to approve electric heavy duty vehicles with range extender combustion engines designed for use in light duty vehicles.

2.48 See question Q22 below for the reasons behind those objecting.

Q21: As no current EU standard exists, what are your suggestions for suitable Range Extender engine emissions test specification or standards?

Q21	No. of responses
Answered	318
No answer	1181

2.49 A number of respondents made suggestions, which were generally supportive of using as much as possible from existing EU or international tests. Omitting the bench test and instead running a test on the road, either a prescribed cycle or random test within certain parameters, was proposed by some respondents.

Q22: If you answered that you don't agree (with the proposal made in Q20), why not?

Q22	No. of responses
Answered	81

No answer	1418
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2.50 It was difficult to discern any firm trends in the rationale for those answering no. There was a range of views included scepticism of the environmental credentials of electric vehicles, concern about electricity supply being sufficient for all the electric vehicles envisaged, and on the other extreme, a view that fully electric vehicles were the only way forward, so the halfway house of range extenders should not be pursued.

National schemes - safety standards

Q23: Do you agree with our proposal to require an advanced emergency braking system (AEBS) on certain heavy goods vehicles, minibuses and coaches?

Q23	No. of responses
Yes	846
No	173
No answer	480

2.51 The majority of those who had an opinion - 83% - were content with the proposal to mandate Advanced Emergency Braking Systems on new heavy goods vehicles, minibuses and coaches.

2.52 Respondents cited the expected safety benefits and the fact that the technology was already quite widespread. They often pointed out the weight of these vehicles makes the consequences of a crash worse than on smaller vehicles.

2.53 Those not in favour tended to cite two main issues, one being cost, and the other, the risk of drivers coming to rely on this system, leading to issues when they drive a vehicle not equipped with the system. There were a handful of respondents sceptical of the increasing prevalence of computer control employed on modern vehicles.

Q24: Do you agree with our proposal to require a lane departure warning system (LDWS) on certain heavy goods vehicles, minibuses and coaches?

Q24	No. of responses
Yes	823
No	200
No answer	476

- 2.54 The majority of those who had an opinion - 80% - were content with the proposal to mandate Lane Departure Warning System on new heavy goods vehicles, minibuses and coaches.
- 2.55 As with question Q23 above on AEBS, respondents cited the expected safety benefits and the fact that the technology was already quite widespread. They often pointed out the weight of these vehicles makes the consequences of a crash greater than on smaller vehicles.
- 2.56 Compared to AEBS, the proportion in favour of LDWS was slightly smaller. This was because a number of respondents were familiar with the LDWS system from their own cars and some found the warnings of impending departure from their lane irritating or inappropriate, so had switched them off.
- 2.57 Again, those not in favour tended to cite two main issues, one being cost, and the other, the risk of drivers coming to rely on this system, leading to issues when they drive a vehicle not equipped with the system. There were a handful of respondents sceptical of the increasing prevalence of computer control employed on modern vehicles.

Q25: Do you agree with the proposed exemptions for vehicles based on car (M1) and van (N1) chassis?

Q25	No. of responses
Yes	646
No	189
No answer	664

- 2.58 The majority of respondents who gave an opinion - 77% - were content with the proposed exemptions.
- 2.59 Where reasons were given, they tended to agree that allowances should be made for these vehicles which were typically produced by SME converters, bearing in mind the expensive nature of engineering and testing the system, the low quantities of vehicles envisaged and the low risk to safety. It was noted that essential vehicles such as minibuses for transporting wheelchair users, might be negatively affected if an exemption were not provided, as many are based on vans (N1 category) but the conversion companies have neither the technical expertise nor funds to fit the advanced technology.
- 2.60 One industry respondent who answered no, was content with the vehicles that would be exempted but wanted to widen the scope of the exemption, to include all wheelchair accessible minibuses, some of whom were based on N2 vehicles.
- 2.61 Few respondents who were against the proposal listed a reason, but essentially those against were not convinced that such an exemption was needed or justified.

Q26: Do you agree with our proposed exemptions for vehicles produced by a manufacturer making fewer than 1000 chassis per year?

Q26	No. of responses
Yes	799
No	170
No answer	530

2.62 The majority of respondents with an opinion - 82% - were content with the proposed exemptions.

2.63 Where reasons were given, they tended to agree that allowances should be made for these vehicles which were typically produced by independent SMEs, bearing in mind the expensive nature of engineering and testing these advanced driver assistance systems, the low quantities of vehicles involved and the low risk to safety.

2.64 Few of those voting against listed a reason, but essentially those against were not convinced that such an exemption was needed or justified.

Q27: Are there any other exemptions for AEBS and LDWS that you would like to see?

Q27	No. of responses
Yes	159
No	601
No answer	739

2.65 Only 21% of those with an opinion asked for other exemptions. Where a reason was given, this tended to mention older and homebuilt (kit car) vehicles, so the respondents may have misunderstood. First of all, cars are not in scope. As far as we are aware, there are no home-built vehicles on the market in the categories (essentially trucks, minibuses and coaches) subject to this requirement, and if there were they would be exempt under the exemption put forward under question **Q26** above (vehicles produced by manufacturers responsible for fewer than 1000 chassis per year). In addition the proposal only applies to new vehicles, not vehicles already registered, such as historic or classic vehicles.

2.66 There were concerns from industry about whether wheelchair accessible minibuses were covered by the exemptions in **Q25** above, and a request that if not, an exemption could be provided for them.

2.67 There was also a comment from an industry body requesting exemption for various Special Purpose vehicles, such as Ambulances, snow ploughs and road rail vehicles.

Q28: Do you agree with our proposals for more stringent rules on heavy goods vehicle mirrors?

Q28	No. of responses
Yes	825
No	152
No answer	522

2.68 A clear majority of those who expressed an opinion - 84% - were content with the proposal for more stringent rules on heavy goods vehicles mirrors, mostly citing the need to improve safety of vulnerable road users such as cyclists and pedestrians.

2.69 The few negative responses had various themes. Some respondents mentioned that lorries already have several mirrors, there were comments that providing cameras to view the area near the vehicle would be beneficial in reducing blind spots, and some respondents suggested that cyclists should take more care and not pass stationary or slow moving lorries on the inside.

Q29: Do you agree with our proposals for more stringent rules on heavy goods vehicle rear under-run?

Q29	No. of responses
Yes	778
No	152
No answer	569

2.70 A clear majority of those who gave an opinion - 84% - were content with the proposal for more stringent rules in IVA on rear under-run on heavy goods vehicles, mostly citing the safety of other road users.

2.71 Most negative responses did not provide a rationale. Those that did showed no clear trends.

Q30: Do you have any other comments on how we might improve heavy goods vehicle safety?

Q30	No. of responses
Yes	252
No	567
No answer	680

2.72 A range of measures for improving HGV safety were suggested.

- 2.73 These included accelerating the deployment of automated technologies and ultimately autonomous vehicles, improving the education of various road users (including cyclists, pedestrians, car drivers and truck drivers), more regular health and eye tests for HGV drivers, improving enforcement of various rules including on speed limiters and driving hours, more police, fewer sharp edges on HGVs, shift more freight to rail, remove cyclists from HGV routes, restrict HGVs to the near side lane only on dual carriageways, bright yellow areas on sides of HGVs for better conspicuity, prohibit agricultural vehicles from dual carriageways, and changing the typical design of a HGV cab: central seating position, lower down in cab with greater window area.
- 2.74 Many of these are not related to vehicle construction, which was the prime focus of this consultation. Novel suggestions within the field of vehicle construction included driver alertness monitors, height warning devices (to avoid collision with low bridges) and larger rear lights.

Q31: Do you agree with introducing EU and UNECE regulations on electric vehicles?

Q31	No. of responses
Yes	529
No	330
No answer	640

- 2.75 The majority of those answering - 62% - were content with the proposal to apply UNECE Regulation 100 on Electric vehicles in IVA and NSSTA.
- 2.76 Respondents cited the need for these vehicles to be just as safe as conventional vehicles, and for any new risks to be addressed by suitable legislation. This would improve consumer confidence and assist in uptake. Some respondents also suggested that sale or use of British registered vehicles outside Britain was likely to be eased if they meet common international standards.
- 2.77 Some objections were received from those concerned with modifying vehicles for wheelchair access, with comments that it was difficult to convert an electric vehicle for wheelchair passengers. The batteries are often under the floor, meaning that normally the floor cannot be lowered. However this is not an objection to UNECE R100 per se, as it does not *require* vehicles to be electric.
- 2.78 Several objectors mentioned Brexit and their desire for UK to have its own regulations, although UNECE Regulation 100 was drafted by an international committee including representatives of countries outside Europe, rather than by the EU.

Q32: Do you agree with introducing EU and UNECE regulations on hydrogen fuelled vehicles?

Q32	No. of responses
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Yes	523
No	316
No answer	660

- 2.79 Of those that had an opinion, the majority - 62% - were content with the proposal to introduce EU and UNECE Regulations on hydrogen safety. Respondents accepted the need to ensure safety, and particularly for a novel fuel like hydrogen there is a need to ensure consumer confidence.
- 2.80 Several objectors mentioned Brexit and their desire for UK to have its own regulations, although UNECE Regulation 134 on hydrogen safety was drafted by an international committee including representatives of countries outside Europe, and then copied out into EU legislation. On the other hand some respondents pointed out the advantages of a common global standard, in driving high standards whilst reducing development costs.
- 2.81 There were also one or two respondents who were opposed to the use of hydrogen in vehicles altogether due to safety concerns.

Q33: Are there any additional regulations on hydrogen fuel system safety and emission testing you would like to see accepted, for example from the USA or Japan?

Q33	No. of responses
Yes	78
No	389
No answer	1032

- 2.82 Only a small proportion of respondents had a view on this specialised topic.
- 2.83 A trade association asked for acceptance of relevant China National Mandatory Standards (known as "GB" standards).
- 2.84 A company involved in the industry commented that vehicles using USA or Japanese components should be allowed through IVA and NSSTA without re-certification to EU standards. They argued that the standards are very close and there is no need for re-certification and the additional costs involved.
- 2.85 It was noted that Japan and California have longer experience in the field of hydrogen vehicles, so their regulations would be worthy of scrutiny.

End of series derogations

Q34: Do you agree with our proposed limited end-of-series derogations procedure for vehicles not complying with the WLTP and real driving emissions particle number (RDE PN), for registrations after 1 September 2018?

Q34	No. of responses
Yes	356
No	446
No answer	697

- 2.86 A minority of those expressing an opinion were content (44%) with the proposal on end of series derogations.
- 2.87 In retrospect, the question could have been better worded. Those who were opposed could be split into those who preferred an even stricter derogation, and those who wanted a more generous derogation. There were also a substantial portion who did not give a reason, making it impossible to divine their precise views and whether they thought it was too strict or too generous, or simply did not understand it.
- 2.88 A major industry association was content with the proposal, whilst pointing out that it was very challenging for most manufacturers to stay within the quota granted.
- 2.89 Some vehicle manufacturers were against the proposal because they wanted the ability to derogate larger quantities of vehicles, bearing in mind previous changes in legislation where no numerical limit was applied, and aggravating factors such as the late publication of the new EU Regulation introducing WLTP, Regulation (EU) No. 2017/1151. They commented that lack of capacity at test laboratories had led to pressure on bookings and delays in obtaining certification. They described how difficulties were occurring with stock management, with leftover vehicles not compliant with WLTP needing to be sold off at a time of low demand just before the high sales (due to plate change) month of September. Manufacturers argued they faced a risk of financial loss due to vehicles having to be pre-registered in August and sold as "nearly new", at lower prices. A major industry association warned of supply gaps for some models.
- 2.90 At the other end of the scale, there were interest groups and individuals who were against the proposal because they wanted the rules to be more stringent.
- 2.91 There were also a number of respondents interested in kit cars who seemed to misunderstand and think that the proposal was a new requirement for kit cars, and registered their opposition accordingly.
- 2.92 Separately, converters of multi stage vehicles were very concerned about the situation. They highlighted that if they were unable to obtain supplies of suitable compliant or derogated examples of the models they normally convert, they would encounter financial difficulties.

Q35: If you answered 'no', how do you think we can most effectively ensure that as many new vehicles as possible are compliant with the new emissions requirements from the deadline?

Q35	No. of responses
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Answered	222
No answer	1277

2.93 Very few respondents answered this question directly, instead simply giving the rationale for their views, which has been included in Q34 above. No alternative method for maximising the number of new vehicles which are compliant was offered.

Q36: Are you content for VCA to publish a list of manufacturers taking advantage of derogations?

Q36	No. of responses
Yes	759
No	100
No answer	640

2.94 A large majority of those who answered this question - 88% - were in favour of VCA publishing a list of the manufacturers using derogations.

Q37: If you answered 'no', what are your concerns? Can you propose alternative ways of ensuring the process is transparent?

Q37	No. of responses
Answered	25
No answer	1474

2.95 Only a quarter of those answering no to the previous question answered this question.

2.96 Responses included concerns that publishing such a list may be unfair on businesses, may stigmatise manufacturers and may be considered commercially sensitive data. Respondents also made the point that the vehicles were compliant on the date of manufacture and it was not the manufacturer's fault that no-one had purchased the vehicles.

2.97 There were no proposals for alternative ways to make the process transparent.

Q38: Are you content for VCA to publish the number of derogations that each manufacturer has applied for?

Q38	No. of responses
Yes	770
No	84
No answer	645

2.98 A majority of those who expressed a view, 90%, were in favour.

Q39: If you answered 'no', what are your concerns? Can you propose alternative ways of ensuring the process is transparent?

Q39	No. of responses
Answered	33
No answer	1466

2.99 Very few responded to this question, the views were similar to those covered at paragraph 2.97 above, with more emphasis from manufacturers on these figures being commercially sensitive data that may have an impact on fair competition, more so than publication of the identities of manufacturers obtaining derogations.

Miscellaneous approval provisions

Q40: Are you content with our proposal as regards administrative provisions governing the national small series type approval (NSSTA) scheme with regard to framework directive 2007/46?

Q40	No. of responses
Yes	387
No	314
No answer	798

2.100 Of those who expressed a view, the majority - 56% - were in favour. However most respondents did not give a reason.

2.101 This question was probably the most technical in the proposal, about aligning the administrative requirements (such as definitions of key terms) for obtaining NSSTA more closely with those for European whole vehicle type approval. It required specialist background knowledge to comprehend the implications, so

not surprisingly was not understood by persons not involved in vehicle type approval. That explains the large number of responses (the vast majority) without any justifying comment, and a large number expressing no views.

2.102 Industry respondents were generally in favour, with some caveats around fine detail of implementation.

Q41: Are you content with our heavy trailer consent proposal?

Q41	No. of responses
Yes	523
No	170
No answer	806

2.103 Of those expressing an opinion, a substantial majority - 76% - supported the proposal to bring certain categories of heavy trailer recently made subject to annual roadworthiness testing into the scope of "Consent", a compulsory notification to DVSA prior to entry into service and first use. Very few parties made comments, suggesting either that they did not have strong opinions or did not understand the proposal.

EU Exit

Q42 What would you like to see in this area of regulation following Brexit and do you have any views on whether the UK should continue to follow the EU type approval scheme after Brexit?

Q42	No. of responses
Answered	643
No answer	856

2.104 A substantial number of the industry respondents suggested that they were in favour of maintaining regulatory alignment with the EU following exit, rather than setting bespoke UK standards. This was primarily on the basis of minimising costs for industry selling vehicles in both UK and EU, and maintaining consumer choice. There was also a belief that this would ease cross-border freight and tourist traffic, although it is our understanding that this is covered by the 1949 (Geneva) and 1968 (Vienna) Conventions on Road Traffic, which are

international agreements involving a much wider selection of countries than EU members.

- 2.105 Some respondents mentioned the need to continue to influence EU standards, as our exporters still needed to meet them, and because the EU often set a standard that other parts of the world later followed, such as in emissions.
- 2.106 A number of respondents mentioned that being outside the EU might allow for some bespoke UK regulations for particular sectors, such as low volume specialist cars and kit cars.
- 2.107 There was a small number of respondents who suggested that we should dispense with EU type approval and create our own UK standards.
- 2.108 Some respondents felt that there was potential for improved environmental protection outside the EU, particularly with respect to air quality. One suggested that there should be a new national air quality strategy, with equivalent or better protection than the EU, with relevant powers devolved to those authorities best placed to tackle the issues. Another respondent advised that WHO guidelines for particulate matter should be adopted into UK law to protect public health, with additional economic benefits.

Q43 Would you like to see special measures to minimise disruption that the changeover to the post-exit situation will cause?

Q43	No. of responses
Yes	564
No	289
No answer	646

- 2.109 Of those who expressed an opinion, the majority - 66% - felt there was a need for special measures to avoid any disruption.

Q44 If you answered 'yes', what are your suggestions for how we can assist with this transfer?

Q44	No. of responses
Answered	270
No answer	1229

- 2.110 Respondents mostly felt that special measures to avoid disruption could take the form of UK accepting EU approvals issued prior to EU Exit (and vice versa) for a certain period, and agreements with the EU to avoid unnecessary re-approval and re-testing, as well as to minimise administrative work for vehicles already on sale and in production.

Analysis of costs and benefits

Q45 What are your views on our analysis of costs and benefits? Give supporting evidence wherever possible:

Q45	No. of responses
Answered	230
No answer	1269

2.111 Given the large volume of respondents solely concerned with opposing the proposal on kit cars, responses to this section were unsurprisingly primarily on that topic. The range of comments was similar to those summarised in Question 16 on kit cars (above). A lot of respondents argued that the costs imposed by more stringent rules on kit car emissions would be high and the benefits would be very small.

2.112 On other topics, there were very few comments and these were largely anecdotal remarks and opinions. There were no comments of substance disagreeing with the assumptions or results of the Impact Assessment (now known as a De-Minimis Assessment).

Q46 Upload any files featuring supporting evidence:

Q46	No. of responses
Answered	6
No answer	1493

2.113 Six respondents uploaded files. Five of these were simply the list of questions with comments alongside, which have been considered under the relevant question in this document. The other appeared to be a proposal for an innovative propulsion system involving the use of hydrogen.

Q47 What are your comments on the assumptions and estimates we have made in the IA? In particular: a) our estimates for the extra costs of fitting Euro 6 engines rather than Euro 5; b) our assumption that diesel emissions fluid (DEF or 'Ad Blue') consumption stays broadly the same at Euro 6 compared to Euro 5; c) our assumption that fuel consumption with a Euro 6 engine is similar to that obtained with a Euro 5 engine of the same size/power rating.

Q47	No. of responses
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Answered	181
No answer	1318

- 2.114 Given the large volume of respondents solely concerned with opposing the proposal on kit cars, responses to this section were primarily on that topic. The range of comments was similar to those summarised in Question 16 on kit cars. A lot of respondents argued that the costs imposed by more stringent rules on kit car emissions would be high and the benefits would be very small.
- 2.115 On other topics, there were very few comments and these were largely anecdotal remarks and opinions.
- 2.116 There were no comments of substance disagreeing with the assumptions or results of the Impact (De-Minimis) Assessment.

Q48 If you are able to, suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues:

Q48	No. of responses
Answered	216
No answer	1283

- 2.117 Given the large volume of respondents solely concerned with opposing the proposal on kit cars, responses to this section were primarily on that topic. The range of comments was similar to those summarised in Question 16 on kit cars.
- 2.118 On other topics, there were very few comments and these were largely anecdotal remarks and opinions.

Other matters

Q49 Any other comments on anything in this consultation or relevant to national approval schemes?

Q49	No. of responses
Answered	411
No answer	1087

- 2.119 Given the large volume of respondents solely concerned with opposing the proposal on kit cars, responses to this section were primarily on that topic. The range of comments was very similar to those summarised in Question 16 on kit cars.
- 2.120 On other topics, there were very few comments and these were largely anecdotal remarks and opinions.

3. Conclusion - Government Response

New regulations

- 3.1 Following publication of this response, the Department for Transport intends to proceed to lay the proposed Statutory Instrument, the Road Vehicles (Defeat device, fuel consumption and Type Approval) Regulations 2018.
- 3.2 Several changes have been made following the consultation. These are described below as part of our response to the consultation.

Response to consultation

Defeat device penalties (Q4-5)

- 3.3 Detailed regulations on defeat device penalties were not included in the draft Statutory Instrument provided with the consultation but have now been included in it. Responding to the results of the consultation, the focus is on the manufacturer, and therefore only the manufacturer (including any subsidiary) would be subject to the new penalties. Independent importers and dealers will not be subject to the new penalties.
- 3.4 As well as enhancing the offences on defeat devices for road vehicles (cars, trucks and buses), the SI now includes amendments to type approval regulations on motorcycles and agricultural vehicles. This is to implement an equivalent penalty on defeat devices for those vehicle categories, further to two consultations in July 2017 (outlined in section 1.8 above) on introducing such an offence in these two sets of regulations. We are also taking this opportunity to correct a minor error in the potential length of custodial sentence in these regulations, which were made in February 2018.

Fuel consumption and CO2 emissions (Q6-7)

- 3.5 No changes have been made following consultation. On balance it is considered that the desire to move to the more representative fuel economy figures at the earliest opportunity outweighs the complications of having different implementation dates for fuel economy and for CO2 emissions.
- 3.6 There were strong views expressed in favour of switching to WLTP figures on the same date for both figures, whether the first or second date was used. Our view remains that as most consumers are primarily interested in running costs, in particular fuel economy and Vehicle Excise Duty, 1 January 2019 is most appropriate for fuel economy and it would not be acceptable to delay this, therefore we will proceed with this date as proposed. However switching to WLTP CO2 emissions figures on this date would likely cause confusion as first year Vehicle Excise Duty (VED) and company car taxation will still be based on the old figures.

- 3.7 6 April 2020 is the changeover date for first year VED, company car Benefit in Kind (BiK) taxation, and also the likely date for changes to other related costs, and to some government incentives, such as the Plug-in Car Grant. With the increasingly complex landscape facing car buyers there will be a coordinated effort to improve consumer understanding from the Department, working with industry and other bodies. WLTP-derived CO2 emission data will be increasingly publicised, with appropriate explanation, as 6 April 2020 draws closer, for those who are planning their next car purchase.

Type approval - heavy duty emissions (Q8- 10)

- 3.8 The date for compulsory compliance with Euro VI in NSSTA and IVA will be a build date for the Completed vehicle of **1 September 2018**, rather than 1 July 2018 as in the consultation. Based on a laying date of 8 June for the new regulations, this is just under 3 months' notice.
- 3.9 Some respondents felt that 3 months was not long enough notice of a new requirement. The Department has, in principle, sympathy for this view. However, the Department conducted an informal consultation with industry on this proposal in autumn 2015, and a major industry association has been pushing for this change for some time. The vehicle manufacturing industry have therefore been aware that this change was coming, and understood that it was a solely a question of "when" this was going to happen rather than "if" this was going to happen. Consequently several prominent manufacturers are no longer taking orders for Euro V vehicles and the rest of the industry should have been aware it was coming. It is in any case essential to avoid delay for air quality reasons.
- 3.10 The consultation was formally launched on 2 February 2018, with extensive publicity, which would have confirmed legislation was imminent and that a 3 month lead time was foreseen. As an example, a manufacturer having taken an order for a Euro V bus on 1 February would be left with just under 7 months to get the vehicle built. Any orders taken after that date should have been aware of the consultation proposal. We are not aware of any trucks currently entering into service with Euro V engines.

Type approval - light duty emissions (Q11-15)

- 3.11 In response to comments from low volume manufacturers and converters, the date for compulsory compliance with WLTP in NSSTA and IVA has been moved back, to a build date of **1 December 2018** in both schemes. (The same will apply for light goods vehicles, but a year later, in line with the inception of WLTP for such vehicles). We believe this is reasonable to take account of the concerns of SMEs around obtaining approval promptly, given the current high demand for emissions testing at laboratories.

Emissions approval - kit cars (Basic IVA) (Q16)

- 3.12 In response to the strong opposition to our proposal to tighten the rules for kit car emissions, the Department will **not** implement this aspect of the proposal.
- 3.13 We have taken this decision after reflecting on the evidence and noting that kit cars are a small proportion of the fleet, cover a low annual mileage and are rarely used in town centres where air quality issues exist.
- 3.14 Therefore kit cars submitted for IVA will continue to be subject to an MOT-style emissions test, using the current criteria in the IVA manual around engine build/first use date.

Emissions approval - innovative propulsion (Q17-22)

- 3.15 There was general support for the two proposals on approving dual fuel and range extenders. A number of detailed comments were made. The detailed test procedures will be based on EU standards and will be discussed with industry before implementation.

Safety standards - AEBS and LDWS (Q23- 27)

- 3.16 There was support for requiring the fitment of these technologies and the proposed exemptions. There were some comments requesting widening exemptions to cover wheelchair accessible minibuses based on N2 chassis. These chassis should already have LDWS if approved under EU/UNECE rules (which took effect in November 2015) and from 1 November 2018 new N2 chassis will be required to have AEBS under stage 2 of its implementation. This is well before the requirement in NSSTA and IVA for AEBS on N2 and M2 vehicles, which takes effect from 1 November 2020. Therefore such N2 base vehicles will be required to be fitted with AEBS and LDWS by this date by the base vehicle manufacturer, so this should not be a problem in practice.
- 3.17 In response to the requests for exemption for various Special Purpose Vehicles, in principle these are exempt, and the IVA inspection manuals will provide detailed criteria and examples of such vehicles, to ensure clarity and transparency for applicants.

Safety standards - (Q28- 33)

- 3.18 A number of suggestions were made as to how to improve HGV safety. Where appropriate these will be considered and taken into account as the Department considers policy going forward. The EU are currently examining a proposal which would radically modify the traditional "brick" shape of a truck cab, to put the driver lower down and reduce blind spots close to the vehicle, following agreement in principle on permitting longer lorries on condition that the increased length is used for improving safety and aerodynamics rather than load carrying. Improvements in direct or indirect vision are being considered alongside this.
- 3.19 Turning to the safety of alternative fuels, and regulations from outside Europe that could be accepted instead of EU/UNECE Regulations on hydrogen, there were several respondents in favour of this, some useful suggestions and no serious opposition. The Department, VCA and DVSA will investigate in due course and include relevant standards in the IVA inspection manual.

WLTP derogations for end of series vehicles (Q34-39)

- 3.20 The proposal for a strict quota on derogations will be implemented as proposed. As a reminder, this is the higher of 10% of manufacturer sales in 2017 or 2000 vehicles, in both cases with eligibility limited to vehicles built prior to 1 June 2018. We judge that this represents the best way of ensuring speedy introduction of the latest specification vehicles, without causing substantial difficulties for the majority of manufacturers.
- 3.21 We are implementing one modification to the proposal that was requested during consultation and this is to exempt pure plug-in electric vehicles (i.e. not hybrids) from the new quota.
- 3.22 VCA will publish the names of manufacturers and the numbers of derogations per manufacturer, alongside the total number of sales in 2017 to provide perspective.

Miscellaneous (Q40-41)

3.23 The proposals on NSSTA administrative provisions and trailer consent will be implemented as proposed. The concerns respondents had with changes to the operation of the NSSTA scheme will be discussed with VCA and relevant industry associations as necessary.

EU Exit (Q42-44)

3.24 The information provided by respondents has been noted. It will be evaluated further and taken into account when formulating policy. Stakeholders were of the view that the technical requirements in the Regulations are appropriate and of a high standard. In general the stakeholder consensus was that the UK should prioritise avoiding placing additional burdens on industry.

Analysis of costs and benefits (Q45-49)

3.25 No information that would change our assessment of costs and benefits was provided. The information provided by respondents has been noted and will be considered when formulating policy on the relevant areas.

Other matters

3.26 A trade association requested increased enforcement and penalties against those who modify vehicles after registration in a way that worsens exhaust emissions. In particular, those companies who disable, remove or bypass emissions control devices such as diesel particulate filters and urea (AdBlue) injection. The Department is working with DVSA and the Traffic Commissioners to improve enforcement on this topic on HGVs and is considering whether more can be done.