

Subsidiary Legislation made under s.18(c).

Environment (Promotion of Clean and Energy-Efficient Road Transport Vehicles) Regulations 2011

LN.2011/046

Commencement **12.4.2011**

Amending enactments	Relevant current provisions	Commencement date
LN. 2021/197	rr. 2, 4(a)-(b), 7(1A)	25.3.2021
2026/046	rr. 2-3, 4, (a)-(c), 5-6, 6A, 7, Sch	19.3.2026

Transposing:

Directive 2009/33/EC

Implementing:

Directive (EU) 2019/1161

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ARRANGEMENT OF REGULATIONS

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SCHEDULE

Data for minimum procurement targets for clean road transport vehicles in support of low-emission mobility

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In exercise of the powers conferred upon it by section 18(c) of the Environment Act 2005 and all other enabling powers, and for the purposes of transposing into the law of Gibraltar Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Environment (Promotion of Clean and Energy-Efficient Road Transport Vehicles) Regulations 2011 and come into operation on the day of publication.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“Category M” refers to motor vehicles with at least four wheels designed and constructed for the carriage of passengers;

“Category M₁” refers to a vehicle designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver’s seat;

“Category M₂” refers to a vehicle designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver’s seat, and having a maximum mass not exceeding 5 tonnes;

“Category M₃” refers to a vehicle designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver’s seat, and having a maximum mass exceeding 5 tonnes;

“Category N” refers to a motor vehicle with at least four wheels designed and constructed for the carriage of goods;

“Category N₁” refers to a vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3,5 tonnes;

“Category N₂” refers to a vehicle designed and constructed for the carriage of goods and having a maximum mass exceeding 3,5 tonnes but not exceeding 12 tonnes;

“Category N₃” refers to a vehicle designed and constructed for the carriage of goods and having a maximum mass exceeding 12 tonnes; and

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“clean light-duty vehicle” means a vehicle of category M1, M2 or N1 with a maximum tail-pipe emission expressed in CO₂ g/km and real driving pollutant emissions below a percentage of the applicable emission limits as laid down in Table 2A of the Schedule;

“clean heavy-duty vehicle” means a vehicle of category M3, N2 or N3 using alternative fuels as defined in points (1) and (2) of Article 2 of Directive 2014/94/EU of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, excluding fuels produced from high indirect land-use change-risk feed stock for which a significant expansion of the production area into land with high-carbon stock is observed in accordance with Article 26 of Directive (EU) 2018/2001, and where liquid biofuels, synthetic and paraffinic fuels are used, such fuels shall not be blended with conventional fossil fuels;

“zero-emission heavy-duty vehicle” means a clean heavy-duty vehicle without an internal combustion engine, or with an internal combustion engine that emits less than 1 g CO₂/kWh as measured in accordance with Regulation (EC) No 595/2009 of the European Parliament and of the Council and its implementing measures, or that emits less than 1 g CO₂/km as measured in accordance with Regulation (EC) No 715/2007 of the European Parliament and of the Council and its implementing measures;

“CO₂” means carbon dioxide;

“contracting authority” has the meaning given to contracting authorities in the Procurement (Public Sector Contracts) Regulations 2016; the Procurement (Utilities Contracts) Regulations 2016 and the Procurement (Concession Contracts) Regulations 2016;

“contracting entity” means a contracting entity as referred to in Article 4 of Directive 2014/25/EU;

“Directive 2014/25/EU” means Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors as it had effect immediately before 1 January 2021;

“Directive 2014/24/EU” means Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement as it had effect immediately before 1 January 2021.

“NMHC” means non-methane hydro-carbons;

“No_x” means oxides of nitrogen;

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“relevant operator” means an operator which falls within the description in regulation 4 (b);

“road transport vehicle” means a vehicle of category M or N, as defined in points (a) and (b) of Article 4(1) of Regulation (EU) 2018/858 of the European Parliament and of the Council on the approval and market surveillance of motor vehicles.

Subject matter and objectives of these Regulations.

3. Every contracting authority, contracting entity and a relevant operator must, when procuring certain road transport vehicles, take into account lifetime energy and environmental impacts, including energy consumption and emissions of CO₂ and of certain pollutants, for the purpose of—

- (a) promoting and stimulating the market for clean and energy-efficient vehicles; and
- (b) improving the contribution of the transport sector to the environment, climate and energy policies of the European Union.

Application of these Regulations.

4. These Regulations shall apply to contracts for the purchase, lease, rent or hire-purchase of road transport vehicles by—

- (a) a contracting authority or a contracting entity in so far as it is under an obligation to apply the procurement procedures set out in the Procurement (Public Sector Contracts) Regulations 2016, the Procurement (Concession Contracts) Regulations 2016 or the Procurement (Utilities Contracts) Regulations 2016;
- (b) operators for the discharge of public service obligations under a public service contract within the meaning of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road, having as their subject matter the provision of passenger road transport services, in excess of a threshold which shall be defined by the Government not exceeding the threshold values as set out in Article 5(4) of Regulation (EC) No 1370/2007;
- (c) service contracts for public road transport services, special-purpose road passenger-transport services, non-scheduled passenger transport, refuse collection services, mail transport by road, parcel transport services, mail delivery services and parcel delivery services in so far as the contracting authorities or contracting entities are under an obligation to apply the procurement procedures set out in the

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Procurement (Public Sector Contracts) Regulations 2016 or the Procurement (Utilities Contracts) Regulations 2016.

Exemptions.

5.(1) The Government may exempt from the requirements of these Regulations vehicles referred to in point (d) of Article 2(2) and in points (a) and (b) of Article 2(3) of Regulation (EU) 2018/858 of the European Parliament and of the Council and in points 5.2. to 5.5. and point 5.7. of Part A of Annex I to that Regulation.

(2) These Regulations shall not apply to:

- (a) vehicles referred to in points (a), (b) and (c) of Article 2(2) and in point (c) of Article 2(3) of Regulation (EU) 2018/858;
- (b) vehicles of category M3 other than Class I and Class A vehicles as defined in points (2) and (3) of Article 3 of Regulation (EC) No 661/2009 of the European Parliament and of the Council.

Purchase of clean and energy-efficient road transport vehicles.

6.(1) Every contracting authority, contracting entity and relevant operator shall ensure that the procurement of vehicles and services referred to in regulation 4 complies with the minimum procurement targets for clean light-duty vehicles set out in Table 3 of the Schedule and for clean heavy-duty vehicles set out in Table 4 of the Schedule.

(2) The targets referred to in subregulation (1) are expressed as minimum percentages of clean vehicles in the total number of road transport vehicles covered by the aggregate of all contracts referred to in regulation 4, awarded between 2 August 2021 and 31 December 2025, for the first reference period, and between 1 January 2026 and 31 December 2030, for the second reference period.

(3) For the purpose of calculating the minimum procurement targets, the date of the public procurement to be taken into account is the date of completion of the public procurement procedure, by way of awarding of the contract.

(4) Vehicles that meet the definition of clean light-duty vehicle, clean heavy-duty vehicle or zero-emission heavy-duty vehicle as a result of retrofitting may be counted as clean vehicles or zero-emission heavy-duty vehicles, respectively, for the purpose of compliance with the minimum procurement targets.

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(5) In the case of contracts referred to in regulation 4(a), the number of road transport vehicles purchased, leased, rented or hire-purchased under each contract shall be taken into account for the purpose of assessing compliance with the minimum procurement targets.

(6) In the case of contracts referred to in regulations 4(b) and 4(c), the number of road transport vehicles to be used for the provision of the services covered by each contract shall be taken into account for the purpose of assessing compliance with the minimum procurement targets.

(7) Where new targets for the period after 1 January 2030 are not adopted, the targets set for the second reference period shall continue to apply, and shall be calculated in accordance with subregulations (1) to (6), over subsequent five-year periods.

(8) The Government may apply, or authorise contracting authorities or contracting entities to apply, higher national targets or more stringent requirements than those referred to in the Schedule.

Reporting.

6A.(1) The Government shall submit reports on the implementation of these Regulations in accordance with the reporting requirements and timescales prescribed by the European Commission in relation to Directive 2009/33/EC as amended by Directive (EU) 2019/1161.

(2) Such reports shall contain information on the measures taken to implement these Regulations, on future implementation activities, and the number and the categories of vehicles covered by the contracts referred to in regulation 4.

7. Deleted

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CPV Code	Description
60112000-6	Public road transport services
60130000-8	Special-purpose road passenger-transport services
60140000-1	Non-scheduled passenger transport
90511000-2	Refuse collection services
60160000-7	Mail transport by road
60161000-4	Parcel transport services
64121100-1	Mail delivery services
64121200-2	Parcel delivery services

Table 2A: Emission thresholds for clean light-duty vehicles

Vehicle categories	Until 31 December 2025		From 1 January 2026	
	CO2 g/km	RDE air pollutant emissions as a percentage of emission limits	CO2 g/km	RDE air pollutant emissions as a percentage of emission limits
M1	50	80%	0	n.a.
M2	50	80%	0	n.a.
N1	50	80%	0	n.a.

Note: "RDE air pollutant emissions" means the declared maximum real-driving emission (RDE) values of particles number (PN) in #/km and nitrogen oxides (NOx) in mg/km. "Emission limits" refers to the applicable emission limits laid down in Annex I to Regulation (EC) No 715/2007, or its successors.

Table 3: Minimum procurement targets for the share of clean light-duty vehicles

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The minimum procurement target for clean light-duty vehicles in accordance with Table 2A in the total number of light-duty vehicles covered by contracts referred to in regulation 4 shall be:

- From 2 August 2021 to 31 December 2025: 38.5%
- From 1 January 2026 to 31 December 2030: 38.5%

Table 4: Minimum procurement targets for the share of clean heavy-duty vehicles

The minimum procurement targets for the share of clean heavy-duty vehicles in the total number of heavy-duty vehicles covered by contracts referred to in regulation 4 shall be:

Vehicle Category	From 2 August 2021 to 31 December 2025	From 1 January 2026 to 31 December 2030
Trucks (category N2 and N3)	10%	15%
Buses (category M3)	45%	65%

Note: Half of the minimum target for the share of clean buses must be fulfilled by procuring zero-emission heavy-duty vehicles as defined in regulation 2. This requirement is lowered to one quarter of the minimum target for the first reference period if more than 80% of the buses covered by the aggregate of all contracts referred to in regulation 4, awarded during that period, are double-decker buses.