

Subsidiary Legislation made under s.69.

Transport (Passenger Car Fuel Consumption and CO2 Emissions Information) Regulations 2003

LN.2003/068

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Directive 2003/73/EC

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**Transport (Passenger Car Fuel Consumption and CO2
Emissions Information) Regulations 2003**

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In exercise of the powers conferred on him by section 69 of the Transport Act 1998 and of all other enabling powers and in order to transpose Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars as amended by Commission Directive amending Annex III to Directive 1999/94/EC, the Minister has made the following Regulations—

Title and commencement.

1. These regulations may be cited as the Transport (Passenger Car Fuel Consumption and CO₂ Emissions Information) Regulations 2003 and shall come into operation 60 days after they are published in the Gazette.

Interpretation and purpose.

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

“Car Fuel Directive” means Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars, as the same may be amended from time to time;

“dealer” means a retailer or other person who displays or offers for sale or lease new passenger cars to end users;

“EC certificate of conformity” means an EC certificate of conformity issued by a manufacturer under any provision of the law of a Member State implementing article 6 of the Framework Directive;

“EC type approval certificate” means an EU type approval certificate issued under any provision of the law of a Member State implementing article 4 of the Framework Directive;

“the Framework Directive” means Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, as amended;

“fuel economy guide” has the meaning given to it by regulation 6(2);

“fuel economy label” means the label which contains the official fuel consumption and official specific emissions of CO₂ figures for a model of new passenger car;

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- “make” means the trade name of the manufacturer of a passenger car appearing on the EC certificate of conformity and the EC type approval certificate;
- “model” means the commercial description of the make and type of a passenger car, and, if available and appropriate, the variant and version;
- “new passenger car” means a passenger car which has not previously been sold to a person who bought it for a purpose other than that of selling or supplying it;
- “official fuel consumption” means the fuel consumption figures for a model of car contained in an EC type approval certificate or an EC certificate of conformity, except that where several variants or versions are grouped under one model, the value to be given for fuel consumption of that model shall be based on the variant or version with the highest official fuel consumption;
- “official specific emissions of CO₂” means the specific emissions of CO₂ figures for a model of car contained in an EC type approval certificate or an EC certificate of conformity, except that where several variants or versions are grouped under one model, the value to be given for CO₂ emissions for that model shall be based on the variant or version with the highest official CO₂ emissions;
- “passenger car” means a motor car to which these regulations apply by virtue of regulation 3;
- “point of sale” means a location where new passenger cars are displayed or offered for sale or lease and includes a car showroom or forecourt;
- “promotional literature” means all printed matter used in the marketing, advertising and promotion of a new passenger car to the public and includes, as a minimum, technical manuals, brochures, advertisements in newspapers, magazines and trade press and posters;
- “special purpose vehicle” means a special purpose vehicle (including a motor-caravan, ambulance, hearse, armoured vehicle, trailer caravan or mobile crane) as specified in article 4(1)(a) of the Framework Directive;
- “supplier” means the manufacturer of a passenger car or any person authorised to act on that person’s behalf within the Community; and
- “Transport Commission” means the Transport Commission constituted under section 3 of the Transport Act;

“type”, “variant” and “version” mean the differentiated vehicles of a given make that are declared by the manufacturer, as described in Annex II.B to the Framework Directive, and uniquely identified by type, variant and version alpha-numeric characteristics.

(2) The purpose of these regulations is to ensure that information relating to the fuel economy and CO₂ emissions of new passenger cars offered for sale or lease in Gibraltar is made available to consumers in order to enable consumers to make an informed choice.

Application.

3. These regulations apply to motor vehicles which—

- (a) have at least four wheels;
- (b) are designed and constructed for the carriage of passengers and comprise no more than eight seats in addition to the driver’s seat;
- (c) are of a model in respect of which an EC certificate of conformity has been issued;
and
- (d) are not special purpose vehicles.

Dealer to obtain information.

4.(1) A dealer shall request from the supplier of a new passenger car which the dealer intends to display or offer for sale or lease at the point of sale the official fuel consumption data and the official specific emissions data for any model of passenger car manufactured by that supplier.

(2) The dealer shall make the information provided by the supplier under sub-regulation (1) available to the Transport Commission in whatever form the Transport Commission may require.

Label.

5. A dealer shall ensure that a fuel economy label complying with the requirements of Schedule 1 is attached to or displayed, in a clearly visible manner, near each new passenger car at the point of sale.

Guide.

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6.(1) A dealer shall provide at the point of sale, free of charge, a copy of the current edition of the fuel economy guide, as described in sub-regulation 6(2), when asked for it by a prospective customer.

(2) The fuel economy guide is the publication containing official fuel consumption and official specific emissions of CO₂ which is published by the Minister for the purposes of article 4 of the Car Fuel Directive and which meets the requirements of Schedule 2.

Poster, display and electronic screen

7.(1) A dealer shall ensure that a poster, a display or an electronic screen is exhibited which sets out a list of the official fuel consumption data and the official specific emissions of CO₂ data of all new passenger car models displayed or offered for sale or lease at or through that point of sale.

(2) The poster, display and electronic screen referred to in the previous sub-regulation shall—

- (a) be displayed in a prominent position;
- (b) comply with the requirements of Schedule 3; and
- (c) be updated—
 - (i) in the case of a poster or display, every six months; and
 - (ii) in the case of an electronic screen, every three months.

(3) Where an electronic screen is the sole method used for the delivery of the information required by this regulation together with Schedule 3, the electronic screen shall be presented in such a way that it attracts the awareness of the consumer at least with the same intensity as a poster or display would have achieved.

Promotional literature.

8.(1). No person shall make available promotional literature unless it contains the official fuel consumption data and the official specific emissions of CO₂ data of the new passenger car models to which it refers in accordance with the requirements of Schedule 4.

(2) The Minister may, by written instructions, require a person who makes available promotional material which does not fall within the definition of promotional literature to indicate, in that promotional material, the official fuel consumption data and the official specific emissions of CO₂ data of the specific car model to which it refers.

Avoidance of confusion.

9. No person shall cause to be included on any label, guide, poster, promotional literature or promotional material to which these regulations apply any other marks, symbols or inscriptions relating to fuel consumption or CO₂ emissions if—

- (a) they do not comply with the requirements of these regulations; or
- (b) their display might cause confusion to potential consumers of new passenger cars.

Offences and penalties.

10.(1) It is an offence to contravene the provisions of these regulations.

(2) In proceedings against a person for an offence under these regulations it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(3) A person who is guilty of an offence under sub-regulation (1) is liable on summary conviction to a fine up to level 3 on the standard scale.

(4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where the affairs of a body corporate are managed by its members, sub-regulation (4) shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(6) Where the commission by any person of an offence under this regulation is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first-mentioned person.

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SCHEDULE 1

Regulation 5

REQUIREMENTS OF THE FUEL ECONOMY LABEL

1. In order to allow for ease of recognition by customers—
 - (1) the label shall be easily legible and shall contain the wording and the relevant data in the categories specified in the table in paragraph 4; and
 - (2) the label shall be printed on A4 size (210x297mm) material and shall contain text set out in the format specified in the table in paragraph 4 which shall occupy an area of no less than 180 x 125 mm.
2. The official fuel consumption figures shall be quoted to one decimal place.
3. The official specific emissions of CO₂ shall be quoted to the nearest whole number.
4. The label shall contain the wording and the relevant data set out below.

ENVIRONMENTAL INFORMATION		
A guide on fuel economy and CO ₂ emissions which contain data for all new passenger car models which are subject to the requirements of the Transport (Passenger Car Fuel Consumption and CO ₂ Emissions Information) Regulations 2003 is available at any point of sale free of charge. In addition to the fuel efficiency of a car, driving behaviour as well as other non-technical factors play a role in determining a car's fuel consumption and CO ₂ emissions. CO ₂ is the main greenhouse gas responsible for global warming.		
Make/Model:	Engine Capacity (cc):	
Fuel Type:	Transmission:	
Fuel Consumption:		
Drive cycle	Litres/100km	Km/l
Urban		
Extra-urban		
Combined		
Carbon dioxide emissions (g/km):		
Important note: some specifications of this make/model may have lower CO ₂ emissions than this. Check with your dealer.		

SCHEDULE 2

Regulation 6(2)

REQUIREMENTS OF THE FUEL ECONOMY GUIDE

1. The guide shall contain a list of the new passenger car models available for purchase within Gibraltar on the date of publication, grouped by manufacturer's name in alphabetic order.
2. The fuel type, numerical value of the official fuel consumption and official specific emissions of CO₂ shall be presented for each model shown in the guide. Fuel consumption shall be expressed either in litres per 100 kilometres (l/100km) or kilometres per litre (km/l), and quoted to one decimal place. Official specific emissions of CO₂ shall be expressed in grams per kilometre (g/km) to the nearest whole number.
3. The guide shall contain a prominent list of the ten most fuel-efficient new passenger car models ranked in order of increasing specific emissions of CO₂ for each fuel type with the model with the lowest CO₂ emissions being placed at the top of the list. The listing shall specify the name of the model, the numerical value of the official fuel consumption and the official specific emission of CO₂.
4. The guide shall contain advice to motorists to the effect that correct use and regular maintenance of the vehicle and driving behaviour, such as avoiding aggressive driving, travelling at lower speeds, anticipation braking, correctly inflating tyres, reducing periods of idling, not carrying excessive weight, can improve the fuel consumption and reduce the CO₂ emissions of their passenger car.
5. The guide shall include an explanation of the effects of greenhouse gas emissions, potential climate change and the relevance to this of emissions from motor cars, as well as a reference to the different fuel options available to the consumer and their environmental implications based on the latest scientific evidence and legislative requirements.
6. The guide shall include a reference to the European Community's target for the average emissions of CO₂ from new passenger cars and the date by which the target is to be achieved.
7. The guide shall include a reference to the European Commission's own guide on fuel economy and CO₂ emissions on the Internet, when it is available.

SCHEDULE 3

Regulation 7(2)

**REQUIREMENTS OF THE POSTER, DISPLAY AND ELECTRONIC SCREEN TO
BE DISPLAYED AT THE POINT OF SALE**

1. Where required information is given in printed form—
 - (a) the dimensions of the surface area of the poster or display showing the information shall be not less than 70cm x 50 cm;
 - (b) the information shall be easy to read; and
 - (c) the information shall be updated every six months.
 2. Where required information is given on an electronic screen—
 - (a) the dimensions of the surface of the screen shall be not less than 25cm x 32cm, commonly referred to as a “17 inch screen”;
 - (b) the information shall be treated as shown even though all of it may not at one time be visible on the screen if the reader is permitted to scroll that information;
 - (c) the information shall be updated every three months; and
 - (d) the information shall within that period be displayed throughout the time during which the showroom where it is displayed is open to the public.
- 3A. For each passenger car model in the list, information shall be given as to the make, the numerical value of the official fuel consumption and the official specific emissions of CO₂.
- 3B. The value of the official fuel consumption shall be expressed in either litres per 100 kilometres (l/100 km), kilometres per litre (km/l), or an appropriate combination of these, and be quoted to one decimal place.
- 3C. The official specific emissions of CO₂ shall be quoted to the nearest whole number in grams per kilometre (g/km).
- 3D. Values may be expressed in gallons and miles to the extent compatible with the provisions of Directive 80/181/EEC on the approximation of the laws relating to units of measurement.

4. A suggested format for the display of the information is shown below—

Fuel type	Ranking	Model	CO ₂ emission	Fuel consumption
Petrol	1			
	2			
	...			
Diesel	1			
	2			
	...			

4A.(1) The following additional information must be contained in the poster or display—

“A guide on fuel economy and CO₂ emissions which contains data for all new passenger car models which are subject to the requirements of the Transport (Passenger Car Fuel Consumption and CO₂ Emissions Information) Regulations 2003 is available at any point of sale free of charge.

In addition to the fuel efficiency of a car, driving behaviour as well as other non-technical factors play a role in determining a car’s fuel consumption and CO₂ emissions. CO₂ is the main greenhouse gas responsible for global warming.”.

(2) In the case of a display featuring an electronic screen, the information required to be displayed under subparagraph (1) must be permanently visible.

5. Within the table the passenger car models shall be listed in the column headed “Model” against the ranking shown in the column headed “Ranking” in order of increasing CO₂ emission with the model with the lowest fuel consumption placed at the top of the list where the emissions as respects two or more models are equal.

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SCHEDULE 4

Regulation 8(1)

REQUIREMENTS OF THE PROMOTIONAL LITERATURE WITH REGARD TO THE PROVISION OF DATA ON FUEL CONSUMPTION AND CO₂ EMISSIONS

1. Subject to paragraph 2, the official fuel consumption and official specific emissions of CO₂ figures for the model in question shall be provided in the promotional literature.
2. If the promotional literature applies to more than one model of the same make, there shall be provided either the official fuel consumption and official specific CO₂ emissions figures for all the models covered, or the range between the worst and best official fuel consumption and official specific CO₂ emissions figures.
3. The fuel consumption figures shall be expressed in litres per 100 kilometres (l/100 km), or kilometres per litre (km/l) or an appropriate combination of these.
4. The official specific emissions of CO₂ shall be quoted to the nearest whole number in grams per kilometre (g/km) and all other numerical data shall be quoted to one decimal place.
5. All information on the official fuel consumption and official specific emissions of CO₂ shall be easy to read and easily understandable and shall be no less prominent than the main part of the information provided in the promotional literature.