L.N. 235 of 2002

ENVIRONMENT PROTECTION ACT, 2001
(ACT NO. XX OF 2001)

Availability of Consumer Information on Fuel Economy and Carbondioxide Emissions in respect of the Marketing of New Passenger Cars Regulations, 2002

BY virtue of the powers conferred by article 9 of the Environment Protection Act, 2001 the Minister for Home Affairs and the Environment has made the following regulations:-

Citation, commencement and scope.

1. (1) The title of these regulations is the Availability of Consumer Information on Fuel Economy and Carbondioxide Emissions in respect of the Marketing of New Passenger Cars Regulations, 2002.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different puposes of these regulations.

(3) A notice under sub-regulation (2) of this regulation may make such transitional provisions as appear to the Minister responsible for the environment to be necessary or expedient in connection with the provisions thereby brought into force.

Objective.

2. The objective 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 is made available to consumers in order to enable consumers to make an informed choice.

Interpretation

3. For the purposes of these regulations:-

"passenger car" means any motor vehicle intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeeding 25 km/h, with the exception of vehicles which run on rails and agricultural tractors and machinery;

"new passenger car" means any 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;

"certificate of conformity" means the certificate referred to in Article 6 of Directive 70/156/EEC;

"point of sale" means a location, such as a car showroom or forecourt, where new passenger cars are displayed or offered for sale or lease to potential customers. Trade fairs where new passenger cars are presented to the public are included in this definition;

"official fuel consumption" means the fuel consumption type-approved by the approval authority in accordance with the provisions of Directive 80/1268/EEC and mentioned in Annex VIII of Directive 70/156/EEC and attached to the EC vehicle type-approval certificate or in the certificate of conformity. Where several variants and,or versions are grouped under one model, the value to be given for fuel consumption of that model shall be based on the variant and, or version with the highest official fuel consumption within that group;

"official specific emissions of CO2" for a given passenger car means those measured in accordance with the provisions of Directive 80/1268/EEC and mentioned in Annex VIII of Directive 70/156/EEC and attached to the EC vehicle type-approval certificate or in the certificate of conformity. Where several variants and, or versions are grouped under one model, the values to be given for CO2 of that model shall be based on the variant and, or version with the highest official CO2 emissions within that group;

"fuel economy label" means a label which contains consumer information regarding the official fuel consumption and the official specific emissions of CO2 of the car to which the label is attached;

"fuel economy guide" means a compilation of the official fuel consumption data and official specific emissions of CO2 for each model available on the new car market;

"promotional literature" means all printed matter used in the marketing, advertising and promotion of vehicles to the general public. It includes, as a minimum, technical manuals, brochures, advertisements in newspapers, magazines and trade press and posters;

"make" means the trade name of the manufacturer and is that which appears on the certificate of conformity and the type-approval documentation;

"model" means the commercial description of the make, type, and, if available and appropriate, variant and version of a passenger car;

"type", "variant" and "version" mean the differentiated vehicles of a given make that are declared by the manufacturer, as described in Annex IIB to Directive 70/156/EEC, and uniquely identified by type, variant and version alphanumeric characters;

"Minister" means the Minister responsible for the environment;

"competent authority" means the Malta Environment and Planning Authority as prescribed by the notice entitled Nomination of the Malta Environment and Planning Authority as the Competent Authority, and such other body or person as the Minister responsible for the environment may by order in the Gazette prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

L.N. 107 of 2002.

"Operator of a point of sale" means the owner or the person in charge at the point of sale.

Label at the point of sale.

4. The operator of a point of sale shall ensure that a label on fuel economy and CO2 emissions, which is in accordance with the requirements described in Annex I, shall be attached to or displayed, in a clearly visible manner, near each new passenger car model at the point of sale.

Guide on fuel economy.

5. The competent authority shall co-ordinate the compilation of a guide on fuel economy and CO2 emissions in consultation with manufacturers on an annual basis in accordance with the requirements of Annex II. The guide shall be portable, compact and available free of charge to consumers upon request both at the point of sale and also from the competent authority.

Poster.

6. The operator of a point of sale shall ensure that for each make of car, a poster (or alternatively, a display) shall be exhibited with a list of the official fuel consumption data and the official specific CO2 emissions data of all new passenger car models displayed or offered for sale or lease at or through that point of sale. This data shall be displayed in a prominent position and in accordance with the format in Annex III.

Promotional literature.

7. The operator of a point of sale shall ensure that all promotional literature shall contain the official fuel consumption and the official

specific CO2 emission data of the passenger car models to which it refers in accordance with the requirements of Annex IV.

8. The presence on labels, guides, posters or promotional literature and material referred to in Articles 4, 5, 6 and 7 of other marks, symbols or inscriptions relating to fuel consumption or CO2 emissions which do not comply with the requirements of these regulations is prohibited, if their display might cause confusion to potential consumers of new passenger cars. Prohibition.

9. Any person shall be guilty of an offence under these regulations if: Offences.

(a) he fails to comply with any provision of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or

(c) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(d) he acts in contravention of any of the provisions of these regulations; or

(e) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provision of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

10. Any person who commits an offence against these regulations shall, on conviction, be liable: Penalties

(a) on a first conviction to a fine (*multa*) of not less than five hundred liri but not exceeding one thousand liri;

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than one thousand liri, but not exceeding two thousand liri or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree:

Provided further that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the Competent Authority as a result of the said offence, the revocation of the permit issued by the Competent Authority and the confiscation of the *corpus delicti,* including the vehicle, if applicable.

Applicability of Cap. 9.

11. (1) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis,* apply to proceedings in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

Language of Annexes.

12. The Annexes to these regulations are being published in the English language with the English text of these regulations.

Repeals L.N. 162 of 2002.

13. The Availability of Consumer Information on Fuel Economy and Carbondioxide Emissions in respect of the Marketing of New Passenger Cars, Regulations, published by Legal Notice 162 of 2002, are hereby repealed.

ANNEX I

DESCRIPTION OF THE LABEL ON FUEL ECONOMY AND CO_2 EMISSIONS

The Member States must ensure, as a minimum, that all fuel economy labels in their territory:

1. comply to a standardised format in order to allow greater recognition by consumers;
2. are of a size of 297 mm × 210 mm (A4);
3. contain a reference to the model and fuel type of the passenger car to which they are attached;
4. contain the numerical value of the official fuel consumption and the official specific emissions of CO_2. The value of the official fuel consumption is expressed in either litres per 100 kilometres (l/100 km), or an appropriate combination of these and is quoted to one decimal place. The official specific emissions of CO_2 are quoted to the nearest whole number in grams per kilometre (g/km).

   Such values can be expressed in different units (gallons and miles) to the extent compatible with the provisions of Directive 80/181/EEC (1).
5. contain the following text regarding the availability of the guide on fuel consumption and CO_2 emissions:

   'A guide on fuel economy and CO_2 emissions which contains data for all new passenger car models is available at any point of sale free of charge'
6. contain the following text:

   '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'

---

(1) Council Directive 80/181/EEC of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC (OJ L 39, 15.2.1980, p. 40). Directive as last amended by Directive 89/617/EEC (OJ L 357, 7.12.1989, p. 28).

ANNEX II

DESCRIPTION OF THE GUIDE ON FUEL ECONOMY AND CO_2 EMISSIONS

The Member States must ensure that the guide on fuel economy and CO_2 emissions contains, as a minimum, the following information:

1. a listing of all new passenger car models available for purchase within the Member States on a yearly basis, grouped by makes in alphabetic order. If in a Member State the guide is updated more than once a year, then the guide should contain a listing of all new passenger car models available on the date of the publication of this update;
2. for each model that appears in the guide, the fuel type, the numerical value of the official fuel consumption and the official specific emissions of CO_2. The value of the official fuel consumption is expressed in either litres per 100 kilometres (l/100 km) or kilometres per litre (km/l), or an appropriate combination of these, and is quoted to one decimal place. The official specific emissions of CO_2 are quoted to the nearest whole number in grams per kilometre (g/km).

   Such values can be expressed in different units (gallons and miles) to the extent compatible with the provisions of Directive 80/181/EEC;
3. a prominent listing of the 10 most fuel-efficient new passenger car models ranked in order of increasing specific emissions of CO_2 for each fuel type. The listing must contain the model, the numerical value of the official fuel consumption and the official specific emissions of CO_2;
4. advice to motorists 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, improve the fuel consumption and reduce the CO_2 emissions of their passenger car;
5. an explanation of the effects of greenhouse gas emissions, potential climate change and the relevance of 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. a reference to the Community's target for the average emissions of CO_2 from new passenger cars and the date of which the target should be achieved;
7. a reference to the Commission's guide on fuel economy and CO_2 emissions on the Internet, when available.

ANNEX III

DESCRIPTION OF THE POSTER TO BE DISPLAYED AT THE POINT OF SALE

The Member States must ensure that the poster(s) meets, as a minimum, the following requirements:

1. the poster is a minimum size of 70 cm × 50 cm;

2. the information in the poster is easy to read;

3. the passenger car models are grouped and listed separately according to fuel type (e.g. petrol or diesel). Within each fuel type, models are ranked in order of increasing CO_2 emissions, with the model with the lowest official fuel consumption being placed at the top of the list;

4. for each passenger car model in the list the make, the numerical value of the official fuel consumption and the official specific emissions of CO_2 are given. The value of the official fuel consumption is expressed in either litres per 100 kilometers (l/100 km), kilometers per litre (km/l), or an appropriate combination of these, and is quoted to one decimal place. The official specific emissions of CO_2 are quoted to the nearest whole number in grams per kilometre (g/km).

   Such values may be expressed in different units (gallons and miles) to the extent compatible with the provisions of Directive 80/181/EEC.

   A suggested format is shown below:

Fuel type	Ranking	Model	CO_2 emission	Fuel consumption
Petrol	1			
	2			
	...			
Diesel	1			
	2			
	...			

5. the poster contains the following text regarding the availability of the guide on fuel economy and CO_2 emissions:

   'A guide on fuel economy and CO_2 emissions which contains data for all new passenger car models is available at any point of sale free of charge.'

6. the poster contains the following text:

   '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;'

7. the poster will be completely updated at least every six months. Between two updates, new cars will be added to the bottom of the list.

ANNEX IV

THE PROVISION OF DATA ON FUEL CONSUMPTION AND CO_2 EMISSIONS IN PROMOTIONAL LITERATURE

The Member States must ensure that all promotional literature contains the official fuel consumption and official specific CO_2 emissions data of the vehicles to which it refers. This information should, as a minimum, meet the following requirements:

1. be easy to read and no less prominent than the main part of the information provided in the promotional literature;
2. be easy to understand even on superficial contact;
3. officiel fuel consumption data should be provided for all different car models to which the promotional material covers. If more than one model is specified then either the official fuel consumption data for all the models specified is included or the range between the worst and best fuel consumption is stated. Fuel consumption is expressed in either litres per 100 kilometers (l/100 km), kilometers per litre (km/l) or an appropriate combination of these. All numerical data are quoted to one decimal place.

   Such values may be expressed in different units (gallons and miles) to the extent compatible with the provisions of Directive 80/181/EEC.

If the promotional literature only contains referance to the make, and not to any particular model, then fuel consumption data need not be provided.