

Regulatory Impact Analysis

Transposition of the Clean Vehicles Directive

19/10/2020

Climate Change Unit, Department of Transport

Summary of Regulatory Impact Assessment (RIA)

Department/Office: Department of Transport	Title of Legislation: Directive (EU) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles
Stage: Internal Draft	Date: 19 October 2020
Related Publications: Directive (EU) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean road transport vehicles in support of low-emission mobility	
Available to view or download at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1161&from=EN	
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<u>What are the policy objectives being pursued?</u> The recast <i>Clean Vehicles Directive</i> (Directive 2019/1161/EU of the European Parliament and of the Council of 20 June 2019, amending Directive 2009/33/EC) aims to increase the uptake of clean (low- and zero-emission) vehicles in public procurement by setting minimum Member State procurement targets and extending the scope to include leased, rented or hire-purchased vehicles and certain transport service contracts. The revised Directive entered into force in 2019 and will apply to public road vehicle contracts from 2 August 2021.	
<u>What policy options have been considered?</u> Option 1: Do Nothing/No Policy Change Option 2: Transpose the Directive into Irish law by Statutory Instrument under the <i>European Communities Act 1972</i>	

Preferred Option:

Option 2 – Transpose the Directive into Irish law by Statutory Instrument

Options			
	Costs	Benefits	Impacts
1	- No direct costs but would result in significant risk of EU fines and court actions.	- None.	- Failure to comply with EU obligations and would incur infringement proceedings by the European Commission. - The State would be vulnerable to legal proceedings by affected parties. - New national procurement policy to decarbonise public fleets will not be aligned to policy scope at EU level or to likely market projections.
2	- Will likely result in significant financial costs to the Exchequer due to price premiums associated with low-emission technologies, supporting infrastructure requirements, cascading impacts to fleet size and	- Incremental transition of the public fleets away from fossil fuels. Strong Government leadership role in promoting and normalising alternative fuels amongst the wider fleet. - Strong market	- Expected net positive benefit to environment through reduction of carbon emissions . - Potential negative impacts to public bodies from perspective of competition law as suppliers may be limited.

	composition and reduction of potential suppliers.	signal to manufacturers to increase production of lower emitting alternatives. - Alignment of national ambitions to 'green' procurement in line with EU level ambition and anticipated market viability.	-Expected compliance burden in the short- to medium-term due to increased complexity and changes to procurement practices.
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Regulatory Impact Assessment (RIA) - Amendment to European Communities (Clean and Energy-Efficient Road Transport Vehicles) Regulations 2011

1. Description of Policy Context, Objectives and Options

1.1 Brief Policy Context

a) The Recasting of Directive 2009/33/EC on the Promotion of Clean and Energy Efficient Road Transport Vehicles

Directive 2009/33/EC was given effect in Irish law through the making of a Statutory Instrument **S.I. No. 339/2011 – European Communities (Clean and Energy-Efficient Road Transport Vehicles) 2011**; notice of the making of this S.I. was published in *Iris Oifigiúil* of 5 July 2011.

The Directive (known as the *Clean Vehicles Directive*) is a public procurement-related instrument originally established in 2009 with the objective to support the uptake of 'clean' (low-emission and zero-emission) and energy-efficient vehicles in public procurement. This in turn aimed to promote and incentivise the market by ensuring steady demand and so contribute to an overall reduction in transport emissions.

The Directive sought a broad market introduction of environmentally-friendly vehicles and required that energy and environmental impacts linked to the operation of vehicles over their whole lifetime are taken into account in all purchases of road transport vehicles, as covered by the public procurement Directives and the public service Regulation. Where impacts were monetised for inclusion in the purchasing decision, common rules for calculating the lifetime costs linked to the operation of vehicles (as defined in the Directive) were provided.

In November 2017, the European Commission (EC) proposed a revision of the Clean Vehicles Directive after a 2015 [ex-post evaluation](#) revealed it did not trigger sufficient market uptake of clean vehicles and that the impact on reducing transport-derived greenhouse gas emissions was limited. The evaluation identified shortcomings in the Directive's design, including an insufficient scope and lack of a definition for 'clean' vehicle technology. The provisions for vehicle purchase were found to be either vague (technical specifications) or overly complex (monetisation of external effects).

Consequently, the Directive was recast as **Directive (EU) 2019/1161 of the European Parliament and of the Council** of 20 June 2019, amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles. The recast Directive has now entered into force and its provisions will apply to relevant public procurements in Ireland from 1 August 2021.

To comply with the provisions of Directive 2019/1161, a new Statutory Instrument (S.I.) to give effect to the Directive in Irish law is required in advance of 1 August 2021.

b) Alignment with National Climate Policy and Promotion of Green Public Procurement in Ireland

The *Climate Action Plan* (2019) requires every public body to have a climate mandate. A key element of this mandate is using public procurement to deliver change. Annual public sector purchasing accounts for 10% to 12% of Ireland's GDP, a large part of economic activity and demand. This provides the public sector with significant influence to stimulate the provision of more resource-efficient, less polluting goods, services and works within the marketplace.

Green Public Procurement (GPP) is a process where public authorities seek to source goods, services or works with a reduced environmental impact. GPP is internationally recognised as an effective means for public administrations to manage the balance between cost-effectiveness and sustainable development. Citizens need to be confident that what is purchased on their behalf has minimal harmful effects on the environment and society; at the same time, these goods, services and works should represent both short-term and long-term value for money.

In October 2019, the Minister for Finance & Public Expenditure and Reform, Paschal Donohoe TD; the Minister for Communications, Climate Action and Environment, Richard Bruton TD, and Minister of State at the Department of Public Expenditure and Reform, Patrick O'Donovan TD welcomed the publication of *Circular 20/2019: Promoting the use of Environmental and Social Considerations in Public Procurement*. This circular demonstrates the Government's priority in promoting GPP by asking Departments and Offices to consider the inclusion of green criteria in their procurements in the context of its wider commitments under the *Climate Action Plan*; in line with EC's ambition around GPP in its recent *Circular Economy Action Plan 2.0*, which proposes "minimum mandatory GPP criteria and targets in sectoral legislation and to phase in compulsory report to monitor the uptake of GPP."

This ambition has been identified as a key action in the *Programme for Government – Our Shared Future* (2020), which states that “[b]y at least 2025, we will only allow public sector bodies to purchase low or no-emissions cars and light goods vehicles” [...] and [r]equire that all new urban buses be hybrid-electric or electric.”

c) State Support for Decarbonising Public Procurement

i) The Office of Government Procurement (OGP) has responsibility for the *National Public Procurement Policy Framework* which sets out the procurement procedures to be followed by Government Departments and State Bodies under national and EU rules.

Following a recommendation of the interdepartmental Low-Emission Vehicle Taskforce, the OGP is in the process of putting into place a Framework competition for BEV and PHEV cars and vans which could possibly act as a direct drawdown Framework and provide a mechanism for any public sector body to purchase an EV.

ii) The Climate Action Fund is one of four funds established under the [National Development Plan 2018-2027](#) as part of *Project Ireland 2040*. The Fund supports initiatives that contribute to the achievement of Ireland's climate and energy targets in a cost-effective manner. It offers the potential for innovative interventions which, in the absence of support from the Fund, would not otherwise be developed. The Department of Communications, Climate Action and the Environment has responsibility for managing the fund, which will have an allocation of at least €500 million over the period to 2027.

The Fund will also seek to facilitate projects that contribute to other Government policy priorities including:

- Supporting innovation and capacity building towards the development of climate change solutions capable of being scaled and delivering benefits beyond a once-off impact; and
- Generating wider socio-economic benefits such as job creation, air quality improvements, a reduction in fuel poverty, bio-diversity and community resilience and development.

The Fund's remit and focus is such that it is suitable for public bodies to apply for support, as part of a competitive process, for the development of public low-emission vehicle procurement and supporting infrastructure projects to facilitate the decarbonisation of the Irish transport sector.

1.2 Statement of Policy Objectives

Long-term Objective: To support progress towards a climate-neutral EU by 2050 by removing fossil -fuelled vehicles from the public fleets.

Immediate Objective: To incrementally decarbonise the public fleets to 2030 through the application of minimum targets for low- and zero-emission vehicles in public procurements.

The purpose of the proposed legislation is to provide for the mandatory transposition of [Directive \(EU\) 1161/2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles](#) (the '*Clean Vehicles Directive*') into Irish law.

This legislation will:

1. provide for the setting of binding minimum targets for the share of 'clean' vehicles as defined in the Directive in procurements undertaken by public sector bodies over the relevant service contract value thresholds;
2. allow for the expansion of the scope of the Regulations to apply to vehicle purchase, lease, hire-purchase and rental contracts, as well as vehicles provided to carry out works under certain types of service contract;
3. provide for the repeal of the common rules for calculating the lifetime costs linked to the operation of vehicles set out in S.I. No. 339 of 2011;
4. provide for the granting of exemptions to certain types of vehicles;
5. allow for the identification of an appropriate monitoring body for public procurements of 'clean' vehicles ; and
6. establish the reporting obligations upon public sector bodies to the appropriate monitoring body; and the reporting obligations upon the State to European Commission.

1.3 Identification and Description of Options

a) Option 1: 'Do Nothing'/ No Policy Change

This option would result in a failure to comply with our EU obligations and would in all likelihood result in prosecution by the European Commission through the Court of Justice of the European Union leading ultimately to the imposition of sanctions, such as daily fines, as well as leaving the State vulnerable to legal proceedings by affected parties.

b) Option 2: Transpose the Directive by Statutory Instrument under the *European Communities Act 1972*

This option would involve the transposition of the Directive into Irish law by Statutory Instrument. The transposition of the Directive will ensure the incremental decarbonisation of the public sector fleet, in line with national climate policy, by setting minimum procurement targets for low- and zero-emission vehicles. It will further allow for the creation of a legal framework compelling such organisations to provide information about vehicle procurements to the appropriate monitoring body and so facilitate the reporting obligations incumbent upon the State to the European Commission.

This is the preferred option.

c) Means of Transposition

The transposition of the Directive into Irish law by amendment of the existing Irish legislation S.I. No. 339 of 2011 – *European Communities (Clean and Energy-Efficient*

Road Transport Vehicles) 2011 by Ministerial regulations under section 3 (2) of the *European Communities Act 1972* (No. 27 of 1972).

(or)

The transposition of the Directive into Irish law by revocation of the existing Irish legislation S.I. No.339 of 2011 – *European Communities (Clean and Energy-Efficient Road Transport Vehicles) 2011* by Ministerial regulations under section 3 (2) of the *European Communities Act 1972* (No.27 of 1972); and by the creation of a new S.I. under section 3 (1) of that Act.

2. Further Consideration of Option 2: Transpose the Directive by Statutory Instrument

It is necessary to consider a number of further questions to effectively draft a Statutory Instrument transposing the Directive.

2.1 Transposition Options 2a and 2b – Application of Minimum Shares

It is desirable that the application of minimum targets for low- and zero-emission vehicles to public contracts should not be disproportionately onerous for public bodies. Ireland is required to meet a range of national minimum targets for the share of clean vehicles in public contracts over the aggregated total of contracts undertaken during the relevant reporting period. This provision therefore provides flexibility to Member States to apply targets as considered appropriate if the national minimum targets have been achieved over the aggregate.

a) Option 2a: Application of Minimum Targets over the Aggregate of Relevant Procurements

In order to minimise any potential logistical and financial burden associated with this change to procurement rules, this option would transpose the Directive by allowing public bodies the flexibility to apply the Directive to selected contracts over the relevant reference period (2021 to end-2025; and 2026 to end-2030). The responsibility to ensure that the minimum targets have been met over the aggregate of contracts in each reference period would rest with the public body in question. This option would permit vehicle procurements for vehicle types for which low- and zero-emission alternatives are not yet readily available to continue as required by procuring clean vehicles in excess of the minimum targets in subsequent procurements. However, it is noted that this option may represent a significant additional administrative burden for public bodies to monitor and report their implementation progress over multiple procurements.

This is the preferred option.

b) Option 2b: Application of Minimum Targets to each Relevant Procurement

This option would transpose the Directive by compelling public bodies to apply minimum targets for the share of clean vehicles to all procurements in the relevant reference periods. This would minimise the administrative burden for public bodies to monitor their implementation progress and serve to streamline the associated monitoring and reporting obligations. However, it may be excessively challenging for public bodies to meet the minimum targets in procurements where the market has not yet sufficiently matured and may push contracting authorities and contracting entities towards immature or costly alternatives necessitating upfront investment in supporting infrastructure.

2.2 Transposition Options 2c and 2d – Distribution of Obligations to Public Bodies

Under the Directive, Ireland can choose to selectively distribute targets amongst public bodies as deemed appropriate. It is possible for the State to exempt certain contracting authorities or contracting entities by applying higher minimum targets for the share of clean vehicles to the remaining public bodies in the State. This may be implemented at the discretion of the State and may take account of a number of criteria, including for example the geographical location or area of operation, the nature, function or purpose of the public body, or the size of the public fleet in question.

a) Option 2c: Distribute Obligation Equally Between all Public Bodies

This option would transpose the Directive by universally applying the provisions of the Directive to all public bodies which currently adhere to the provisions of the 2014 procurement Directives. This would limit the risk to the State that the minimum targets will be distributed incommensurately amongst public bodies and consequently that the share of clean vehicles in the aggregate will not be met. It will additionally ensure that the implementation of progress towards the minimum targets at a national level is a straightforward process as is possible to minimise the administrative burden to public bodies.

This is the preferred option.

b) Option 2d: Distribute Obligation on the basis of Predetermined Criteria

This option would transpose the Directive by selectively applying the provisions of the Directive to all public bodies which currently adhere to the provisions of the 2014 procurement Directives. This would involve the development of a set of criteria to distribute obligations, ensuring that procurements undertaken by the remainder will be sufficient to meet the share of clean vehicles in the aggregate.

2.3 Transposition Option 2e and 2f - Proposed Vehicle Type Exemptions

Public bodies should note that the provisions of the Directive explicitly do not apply to a number of vehicle types, namely:

- Coaches;
- Agricultural or forestry vehicles;
- Two or three wheeled vehicles and quadricycles;
- Track-laying vehicles; and
- Self-propelled vehicles designed to perform work and not carrying passengers or transporting goods.

Member States have the further option to exempt a range of additional vehicle types, including:

- Armoured vehicles;
- Hearses;
- Ambulances;
- Wheelchair accessible vehicles (WAVs);
- Mobile cranes;
- Vehicles designed and constructed for use principally on construction sites or in quarries, port or airport facilities; and
- Vehicles designed and constructed for use by the armed services, civil defence, fire services and forces responsible for maintaining public order.

Neither those vehicles automatically exempted, nor those vehicles for which exemption is optional, need be considered in calculating the total number of vehicles procured by public bodies in the relevant reporting periods. Ireland may therefore choose whether it is preferable to exempt procurements for these additional vehicle types from the obligation to apply the provisions of the Directive.

a) Option 2e: Implement the Optional Exemptions

This option would legislate for all potential vehicle type exemptions to the application of the Directive. This would ensure that the State is not obliged to procure low- and zero-emission alternatives in niche vehicle markets where right-hand drive options are not market ready. It is understood that this approach will be employed as appropriate in other Member States; this in turn will limit consumer demand and will not act as an incentive for technological development in the short-term.

This is the preferred option.

b) Option 2f: Do Not Implement the Optional Exemptions

This option would not legislate for vehicle type exemptions to the application of the Directive. Public bodies would be compelled to apply minimum targets for the share of clean vehicles in relevant procurements of the optional vehicle categories. This option may increase procurements of low- and zero-emission vehicles; however, this may present challenges for public procurement as market development tends to be slower for non-standard vehicle types.

2.4 Transposition Options 2g and 2h- Reporting and Monitoring

Ireland will be required to provide public procurement information to the European Commission to enable effective monitoring of the implementation of the Directive, beginning with a preliminary submission of information by 2 August 2022 and continuing with a first comprehensive report on the implementation of the minimum procurement targets in 2026 and every three years thereafter. This timeframe is aligned with Ireland's existing procurement reporting obligations under Directives 2014/24/EU and 2014/25/EU.

It is intended that the European Commission will take on a role in monitoring progress towards national targets through the Tender Electronic Database (TED) to reduce administrative burdens for Member States. However, not all procurement information is captured by the TED e.g. information for Public Service Obligation (PSO) fleets. In order to collect this information and other relevant fleet composition data, a suitable mechanism must be identified to enable public bodies to report additional details of vehicle procurements to the Minister.

a) Align Clean Vehicles Directive Reporting with Existing Public Sector Reporting Requirements

This option would designate the Sustainable Energy Authority of Ireland (SEAI) as the receiving body for declarations of vehicle procurement information from public contracting authorities and contracting entities by expanding the existing Public Sector Energy Efficiency reporting structures in the forthcoming update to the platform. This will oblige public bodies to report vehicle procurement information on an annual basis to facilitate monitoring of national-level progress towards the minimum targets. This may additionally act to decrease the associated compliance burden to public bodies by aligning with the annual reporting schedule.

This is the preferred option.

b) Establishment of a Dedicated Reporting Mechanism for Clean Vehicles Directive Reporting

A range of existing data collection mechanisms e.g. TED, the National Vehicle and Driver File (NVDF); and Office of Government Procurement (OGP) reporting mechanisms, was assessed in the preparation of this RIA and it was found that no existing mechanism provides sufficient procurement and fleet information to effectively facilitate monitoring of progress towards clean vehicle procurement targets or reporting by the State to the European Commission. The

establishment of a new reporting mechanism and identification of a responsible body by the State would be required. This approach may be costly and present additional regulatory and administrative burdens to public bodies and to the State.

3. Cost, Benefits and Impacts

3.1 Option 1: Do Nothing/ No Policy Change

There are no direct costs associated with Option 1. However, Ireland would face a substantial risk of significant lump sum and daily fines imposed by the Court of Justice of the European Union for the non-transposition of the Directive and the risk also of court damages and costs arising from affected parties taking proceedings against the State.

3.2 Option 2: Transpose the Directive by Statutory Instrument under the European Communities Act 1972

There is currently no inventory of publically owned vehicles and consequently costs and benefits of Option 2 cannot be comprehensively assessed at this point in time. It is however expected that the transposition of the Directive will represent significant costs to the Exchequer; the scope of these costs will vary depending on the chosen transposition options.

While costs to the State will undoubtedly be incurred due to increasing regulatory burden and changes in procurement practices (as detailed in Section 4: Other Potential Impacts), the State will incur significant direct costs due to the 'price premium' associated with low-emission vehicle acquisition, costs for supporting infrastructure and necessary changes to fleet composition and size to accommodate for factors such as reduced range.

For example, it is worth noting that today the average cost differential between a conventional internal combustion engine (ICE) vehicle and a standard passenger EV is c. €10,000. An informal pre-consultation process has indicated that public bodies are often obliged to buy bespoke or custom modified vehicles for a variety of reasons necessary support business operations. Such complex requirements will inevitably increase the costs associated with public vehicle procurement and consequently increase requirements for State investment in the public sector.

4. Other Potential Impacts

4.1 National Competitiveness

There will be no significant direct impact to national competitiveness (in respect of potential positive impact to Ireland's overall environmental sustainability) due to the limited contribution of the public fleets to transport emissions.

4.2 North-South and East-West Relations

No impact is envisaged for East-West relations. It is unclear what impact, if any, the transposition of the Directive will have for North-South relations due to high levels of dependency on other externalities such as Brexit. The UK Parliament (and consequently NI) is no longer obliged to transpose the Directive into UK law; however, as the UK has committed to providing a range of decarbonisation supports (such as the Low Carbon Vehicle Public Procurement Programme), it is likely that a similar fleet transition programme will continue in the coming years. A positive impact for all-island cooperation is possible if opportunities for joint cross-border vehicle procurements are fostered. In the short- to medium-term, it is likely that the existing North-South relationship and arrangements will continue unchanged.

4.3 Environmental Impacts

Implementation of the Directive may provide net positive benefit to the environment as broad fleet transition to clean vehicles can reduce CO₂, transport-related air pollutant emissions, notably nitrogen oxide (NO_x) and a reduction in noise pollution due to the removal of internal combustion engines. It is not currently possible to accurately estimate potential emissions reduction from incremental public fleet transition due to vehicle and procurement data limitations; however it is expected that the indirect environmental benefit (through market and behavioural influence) may be more substantial than direct impacts. For example, the public transport bus and coach fleet account for approximately a little over 3% of all transport emissions. Given the high targets set out for buses in this Directive (coaches are exempt), it is possible that it could account for a possible 1% reduction in emissions attributed to public transport over the period to 2030.

The Directive is unlikely to negatively impact areas, landscapes or species which have a recognised national or international protection status, (particularly those designated SPAs, SACs and/or protected sites as part of the Natura 2000 network), transboundary pollution risks or public health and wellbeing.

The Directive may have impacts for public material assets and for landscape and land use change with regard to the installation of associated supporting recharging/refuelling infrastructure.

4.4 Significant Policy Change

The Directive represents a significant policy change from current public procurement policy. However, the changes mandated by its transposition into Irish law are strongly aligned with the Government's ambitions to 'green' public procurement set out in the *Climate Action Plan* and reaffirmed in the new *Programme for Government – Our Shared Future (2020)*. The *Programme for Government* states that “[b]y at least 2025, we will only allow public sector bodies to

purchase low or no-emissions cars and light goods vehicles” [...] and [r]equire that all new urban buses be hybrid-electric or electric.”

In light of this commitment, and with a view to optimising alignment of national and EU policy ambition, the suitability of primary legislation was also considered for the purposes of transposing the Directive. This approach would allow for the establishment from 2 August 2021 of minimum targets for the share of clean vehicles in excess of those set out by the EC and for a comprehensive assessment by both Houses of the Oireachtas. However, it is important to consider that the timeframes associated with a primary legislative approach would likely incur delays to transposition of the Directive into Irish law.

Noting that the Directive has undergone examination by the Oireachtas Scrutiny Committee during the negotiation process, primary legislation offers no distinct advantages over secondary from the perspective of scrutiny. Furthermore, it is considered that the application of higher national minimum targets in the shorter-term demonstrates a level of ambition beyond the expected level of market development to 2025 considered likely per the European Commission’s Impact Assessment (2018). It is therefore concluded that the significant administrative burden associated with the development of primary legislation, noting that responsibility for procurement policy does not currently rest with the Minister for Transport, is not commensurate with potential benefits.

Separately, public bodies may wish to note that the revocation of the current methodology for the calculation of lifetime emissions, as set out in S.I. No.339 of 2011, may constitute a significant change in the implementation of procurement obligations by contracting authorities and contracting entities.

4.5 Compliance Burden

It is not envisaged that there will be a significant long-term compliance burden to reporting bodies. In the short- to medium-term it is possible that there may be unavoidable administrative burden associated with increased procurement complexity and changes to internal practices.

It should however be noted that the proposed monitoring and reporting system is designed as an add-on to existing public sector energy efficiency reporting procedures to minimise the administrative costs in respect of reporting.

4.6 Economic Market/Consumers and Competition

It is expected that the Directive will have a significant impact on the wider economic market, consumers or competition. A primary objective of the Directive is the stimulation of the alternative fuels vehicle market, providing consumer certainty for manufacturers and thereby increasing availability of low- and zero-emission alternatives and accelerating progress towards price parity. A secondary potential benefit is the generation of a second-hand market for EVs,

particularly in the light duty vehicle sector. Corporate fleets tend to change quicker than the private car fleet with the second-hand consumer market a likely destination for many corporate fleets. The lack of a second-hand market has been identified as a major issue in passenger EV penetration.

However, a potential negative impact in the immediate-term is a potential limitation of suppliers in the market, which may present challenges to public contracting authorities and contracting entities from a competition perspective and impact procurement costs. An increase to costs for goods and services (vehicles and transport services), due to both the price premium for alternative fuels and technologies and ongoing costs around establishment of supporting infrastructure or changes to operations to accommodate recharging/refuelling needs, is also possible.

It is not expected that this Directive will have any costs to the consumer. In fact, it is explicitly mandated that the costs of this Directive should not be passed onto the consumer by public bodies.

4.7 Rights of Citizens

There will be no impact to citizen's rights.

4.8 Gender Balance

There will be no impact to gender balance.

4.9 Socially Excluded or Vulnerable Social Groups

There will be no impact to socially excluded or vulnerable groups.

5. Consultation

Drawing on the informal consultation produced during the negotiation process (2018/2019) and pre-consultation process with the State's largest road transport energy users (2020), DTTAS has prepared a Regulatory Impact Assessment on the available transposition options (both legislative and non-legislative) and their associated impacts.

In its capacity as the officials responsible for the transposition of this Directive, DTTAS has now launched a stakeholder consultation aimed at all public bodies which will include this draft RIA.. The consultation will be open until 31 October 2020.

6. Enforcement and Compliance

For the purposes of the transposition of the Directive, the Minister for Transport will be nominated as the National Competent Authority for Ireland (NCA). The reporting requirements will be overseen by the SEAI and enforced, as deemed necessary, by the Department of Transport on behalf of the NCA.

The NCA may consider the establishment, as appropriate, of penalties for non-compliance with the provisions of the Directive. The nature and suitability of such potential penalties is not yet determined at date of consultation.

7. Review

Under the terms of the Directive, the European Commission (EC) has committed that it will review the implementation of the Directive by 31 December 2027. That review will be accompanied, where appropriate, by a legislative proposal to amend the Directive for the period after 2030 and may set new targets or extend the scope of the provisions to other categories of vehicles, such as L-category vehicles and construction site machinery procured by public bodies, amongst other considerations. If no new targets are set, the targets set for 2026-2030 will continue to apply in the following years, over consecutive 5-year periods (2031-2035, 2036-2040, etc.).

However, the EC has, by means of the [European Green Deal](#) and associated [European Climate Law](#), enshrined in law its vision for a climate neutral EU by 2050, with ambitious carbon emission reductions targets for 2030. To achieve this, by June 2021 the EC will review, and where necessary propose to revise, all relevant instruments to achieve the additional emissions reduction targets for 2030 required to ensure progress towards climate neutrality. It is likely that the EC will maintain its strong focus on climate, energy and transport policy and consequently review of the Directive may be advanced.

Public bodies should also note that the definition for clean heavy-duty vehicles, as set out by the Directive, is “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”. The EC is currently reviewing the implementation of [Directive 2014/94/EU of the European Parliament and of the Council](#), and will submit a legislative proposal to amend that Directive, if it considers it necessary on the basis of that review. This definition may be amended consequently.