

OVERVIEW OF THE CLEANER AND MORE ENERGY-EFFICIENT ROAD TRANSPORT VEHICLES REGULATIONS

The consolidated version of the ‘Cleaner and More Energy-Efficient Road Transport Vehicles Regulations’ S.L. 601.06 (which now incorporates the contents of Legal Notice 75 of 2022) is the nationally transposed version of Directive 2009/33/EC (amended through Directive (EU) 2019/1161).

Definitions

A **Clean Light-Duty Vehicle** (such as a car or van) is defined according to its Carbon Dioxide (CO₂) emissions, in line with the corresponding provisions as per Regulation (EU) 2019/631 setting ‘CO₂ Emission Performance Standards for New Passenger Cars and for New Light Commercial Vehicles’. The focus is initially on low-emission vehicles, and it shall then proceed to zero-emission vehicles.

On the other hand, a **Clean Heavy-Duty Vehicle** (such as a Bus or Truck) is defined in relation to its use of alternate fuels as described in Directive 2014/94/EU on the ‘Deployment of Alternative Fuels Infrastructure’. In fact, Alternative Fuels are *‘fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector’*. They include, inter alia: electricity, hydrogen, biofuels as defined in point (i) of Article 2 of Directive 2009/28/EC, synthetic and paraffinic fuels, natural gas (including biomethane, in gaseous form [compressed natural gas – CNG] and liquefied form [liquefied natural gas – LNG]), and liquefied petroleum gas (LPG).

Regulation 2 of the Cleaner and More Energy-Efficient Road Transport Vehicles Regulations S.L. 601.06 defines a **Clean Vehicle** as:

- (a) *a vehicle of category M1, M2 or N1 with a maximum tail-pipe emission expressed in CO₂g/km and real driving pollutant emissions [RDE] below a percentage of the applicable emission limits’ as laid down in the following Table: Emission Thresholds for Clean-Light Duty Vehicles*, overleaf.*

Emission Thresholds for Clean-Light Duty Vehicles*				
Vehicle Categories	Until 31 December 2025		From 1 January 2026	
	CO ₂ g/km	RDE air pollutant emissions as a percentage of emissions limits	CO ₂ g/km	RDE air pollutant emissions as a percentage of emission limits
M ₁	50	80%	0	n. a
M ₂	50	80%	0	n. a
N ₁	50	80%	0	n. a

* Declared maximum real-driving emission (RDE) values of particles number (PN) in #/km and nitrogen oxides (NO_x) in mg/km as reported in point 48.2 of the certificate of conformity, as described in Annex IX to Directive 2007/46/EC of the European Parliament and of the Council (*) for both complete and urban RDE trips. * The applicable emission limits laid down in Annex I to Regulation (EC) No 715/2007, or its successors.

- (b) *a vehicle of category M3, N2 or N3 using alternative fuels as defined in Regulation 2(1) of the Alternative Fuels Order, excluding fuels produced from high indirect land-use change-rise feed stock for which a significant expansion of the production area into land with high-carbon stock is observed in accordance regulation 28 of the Promotion of Energy from Renewable Sources Regulations. In the case of vehicles using liquid biofuels, synthetic and paraffinic fuels, those fuels shall not be blended with convention fossil fuels’.*

In line with the Clean Vehicles Directive, to reflect performance in terms of air quality and decarbonation, Regulation 2 of S.L. 601.06 provides a separate definition for **Zero-Emission Heavy Duty Vehicle** (as a sub-category of Clean Heavy-Duty Vehicle) wherein the latter is defined as a ‘*Clean Vehicle as defined in point (b) without an internal combustion engine, or with an internal combustion engine that emits less than 1g 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 1g CO₂/km as measures in accordance with Regulation (EC) No715/2007 of the European Parliament and of the Council and its implementing measures’.*

Applicability: S.L. 601.06 Regulations

The Cleaner and More Energy-Efficient Road Transport Vehicles Regulations S.L. 601.06 applies only to contracts for which the Call for Competition¹ has been sent after 02 August 2021. In line with Regulation 4 of S.L. 601. 06, such provisions apply to procurement through:

- Contacts for the Purchase, Lease, Rent or Hire-Purchase of Road Transport Vehicles² acquired through Procurement Procedures in line with the obligations set out in the Public Procurement Regulations S.L. 601.03 and the Utilities³ Regulations S.L. 601.05.
- Public Service Contracts⁴ within the meaning of Regulation (EC) No 1370/2007 on Public Passenger Transport Services by Rail and by Road.
- Service Contracts (specifically for the below set of CPV Codes) acquired through Procurement Procedures set out in the Public Procurement Regulations S.L. 601.03 and the Utilities Regulations S.L. 601.05.

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

¹ With regard to cases where a Call for Competition is not foreseen, S.L. 601.06 applies to procurement procedures wherein their commencement took place after 2nd August 2021.

² Directive 2019/1161 defines Road Transport Vehicle as a vehicle category M or N, as defined in points (a) and (b) of Article 4(1) of Regulation (EU) 2018/858 wherein the latter states that 'For the purposes of this Regulation, the following vehicle categories shall apply: (a) Category M consists of motor vehicles designed and constructed primarily for the carriage of passengers and their luggage, divided into: (i) Category M1: motor vehicles with not more than eight seating positions in addition to the driver's seating position and without space for standing passengers, regardless of whether the number of seating positions is restricted to the driver's seating position; (ii) Category M2: motor vehicles with more than eight seating positions in addition to the driver's seating position and having a maximum mass not exceeding 5 tonnes, regardless of whether those motor vehicles have space for standing passengers; and (iii) Category M3: motor vehicles with more than eight seating positions in addition to the driver's seating position and having a maximum mass exceeding 5 tonnes, regardless of whether those motor vehicles have space for standing passengers; (b) Category N consists of motor vehicles designed and constructed primarily for the carriage of goods, divided into: (i) Category N1: motor vehicles with a maximum mass not exceeding 3.5 tonnes; (ii) Category N2: motor vehicles with a maximum mass exceeding 3.5 tonnes but not exceeding 12 tonnes; and (iii) Category N3: motor vehicles with a maximum mass exceeding 12 tonnes.

³ Utilities Procurement refers to Public Procurement of Entities operating in the Water, Energy, Transport and Postal Services Sectors Regulations: S.L. 601.05.

⁴ Regulation (EC) No 1370/2007 defines Public Service Contract 'as one or more legally binding acts confirming the agreement between a competent authority and a public service operator to entrust to that public service operator the management and operation of public passenger transport services subject to public service obligations; depending on the law of the Member State, the contract may also consist of a decision adopted by the competent authority: — taking the form of an individual legislative or regulatory act, or — containing conditions under which the competent authority itself provides the services or entrusts the provision of such services to an internal operator'.

Non-Applicability: S.L. 601.06 Regulations

Pursuant to Regulation 5 of S.L. 601.06, the Cleaner and More Energy-Efficient Road Transport Vehicles Regulations shall not apply to:

- Vehicles referred to in points (a), (b) and (c) of Article 2(2) and in point (c) of Article 2(3) of Regulation (EU) 2018/858⁵.
- 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. 661/2009⁶.

Accordingly, the below vehicles are exempted:

- Coaches⁷
- Agricultural or Forestry
- Two- and three-Wheel
- Quadricycles
- Track-laying
- Self-Propelled⁸

National Procurement Targets: Procuring Clean Vehicles

The consolidated version of Directive 2009/33/EC sets Minimum Public Procurement Targets for each Member State. Accordingly, in Malta, pursuant to Regulation 6(1) of S.L. 601.06, the Minimum Procurement Targets for Clean Light-Duty Vehicles and Heavy-Duty Vehicles are defined in the below and overleaf Tables:

<i>Clean Light-Duty Vehicles</i>	02 August 2021 to 31 December 2025	01 January 2026 to 31 December 2030
	38.5%	38.5%

⁵ Regulation (EU) 2018/858 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles.

⁶ Regulation (EC) No. 661/2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, component and separate technical units intended therefor.

⁷ Class I M2 or M3 vehicle means an 'M2 or M3 vehicle with a capacity exceeding 22 passengers in addition to the driver constructed with areas for standing passengers to allow frequent passenger movement'. Class A M2 or M3 vehicle 'means an M2 or M3 vehicle with a capacity not exceeding 22 passengers, in addition to the driver, designed to carry standing passengers and having seats and provision for standing passengers'

⁸ Any self-propelled vehicle designed and constructed specifically to perform work and that, because of its construction characteristics, is not suitable for carrying passengers or for transporting goods, and that is not machinery mounted on a motor vehicle chassis.

<i>Clean Heavy- Duty Vehicles</i>	Trucks (vehicle category N₂ and N₃)		Buses (vehicle category M₃)	
	02 August 2021	01 January 2026	02 August 2021	01 January 2026
	to	to	to	to
	31 December 2025	31 December 2030	31 December 2025	31 December 2030
	10%	15%	45%	65%

It is to be noted that 'half of the minimum target for the share of clean buses has to be fulfilled by procuring zero-emission buses'. 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' specified in Regulation 3 of S.L. 601.03 are double-decker buses.

The above targets are expressed as Minimum Percentages of clean vehicles⁹ in the total number of road transport vehicles procured through Public Procurement (covered by the aggregate of all contracts referred to in Regulation 4 of S.L. 6010.06) and specifically awarded in the following Reference Periods:

- 1st Period: Between 02 August 2021 and 31 December 2025
- 2nd Period: Between 01 January 2026 and 31 December 2030

It is to be noted that the Date of Completion of the Public Procurement Procedure shall be deemed as the Awarding of a Contract, specifically via the Contract Award Notice (CAN).

⁹ Regulation 6(3) of S.L. 601.03 states that 'Vehicles that meet the definition of clean vehicle or of zero-emission heavy-duty vehicle under regulation 2 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'.