



# The Passenger Car

## (Fuel Consumption and CO<sub>2</sub> Emissions Information) Regulations

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# The Passenger Car (Fuel Consumption and CO<sub>2</sub> Emissions Information) Regulations

## Guidance Notes

### Introduction

These Regulations came into force on 21 November 2001 and implement in UK law an EU Directive which aims to give consumers more information about the fuel consumption and CO<sub>2</sub> emissions characteristics of new cars. This guidance note has been updated to take account of amended requirements (introduced by Statutory Instrument 2004 No 1661) which took effect from 24 July 2004 and to take account of reviews of the promotional literature requirements – the last of which was completed on 11<sup>th</sup> December 2008.

The following note is intended as guidance for enforcement officers, car dealers and car manufacturers about a few key issues arising from the new Regulations. It is not an exhaustive guide to the meaning and effect of the Regulations. The note sets out DfT's view of some of the requirements of the Regulations. It is not offered as an authoritative legal interpretation of the meaning of the Regulations; this can only be provided by a Court of Law.

The primary aim of the Regulations is to ensure that clear and accurate information on the fuel consumption and CO<sub>2</sub> emissions of new passenger cars is readily available to potential purchasers at points of sale. Enforcement authorities should bear in mind whether manufacturers and dealers have failed in this overall objective when deciding how to deal with failures to comply with the Regulations.

### Scope of Regulations

The requirements of the Regulations only apply to passenger cars which have been EC Whole Vehicle Type Approved. Therefore they do not apply to vehicles which have been approved via the Single Vehicle Approval scheme, to small series vehicles or to pre-production vehicles which might be displayed at shows.

The Regulations place requirements on the information available at points of sale and the content of promotional literature. The requirements do not apply to sales made via the internet or to promotional websites.

### Model Descriptions

The Regulations require fuel consumption and CO<sub>2</sub> data to be displayed on labels, posters/displays and in guidebooks against the description of the model. The Regulations allow manufacturers to group vehicles of slightly different specifications ("variants & versions" in European Whole Vehicle Type Approval terminology) with different fuel consumption and CO<sub>2</sub> emissions figures together under one 'model'. In our opinion the intention of this is to avoid having to display impractically large amounts of data, with several entries for vehicles which are identically badged.

What comprises a 'model' is at the discretion of manufacturers, however we would expect the different specifications grouped within a 'model' for the purposes of labelling, posters/displays and the guidebook, not to differ in at least the following respects;

- Make,
- Model Range,
- Engine Capacity,
- Fuel type,
- Transmission type

It is the intention that the 'model' should be a description recognisable to consumers by reference to the way vehicles are badged, e.g. Ford Focus, and obvious characteristics of the vehicle e.g. 1.8 litre diesel engine, five speed manual gearbox. Manufacturers may wish to specify further detail such as trim/tune level, body type e.g. TDCi 4 door saloon. The descriptions used for each entry in the guidebook ('New Car Fuel Consumption and Emissions Figures' published by VCA) are a good example of how models should be described. The aim is to make the consumer's choice easier, not more difficult.

Where specifications of vehicle with differing fuel consumption and CO<sub>2</sub> figures are grouped together within one model description, for each parameter, the worst figures from all specifications in the group must be displayed. For example there may be 5 different specifications of vehicle within a model description, each with a different figure for CO<sub>2</sub> emissions, urban, extra-urban and combined fuel consumption. The figures displayed on the label for this model should be the worst CO<sub>2</sub> figure, the worst urban fuel consumption, the worst extra-urban fuel consumption and the worst combined fuel consumption regardless of whether the worst figures for each parameter come from different vehicles within the group.

It is not acceptable to choose to show the best figures for the model, or the figures relating to the vehicle on display, if another specification of the same model, as described on the poster/label, has worse figures. Checking that the right figures are displayed could ultimately require liaising with the manufacturer, but cross-referencing figures on labels with those on posters, on the VCA's web site [www.vcacarfueldata.org.uk](http://www.vcacarfueldata.org.uk) and in promotional literature should usually be sufficient.

## Labels

### FORMAT

Schedule 2 of the Regulations specifies that the label shall contain the text and data set out in Figure 1 and requires the same format to be used. The minimum size of the area containing this information is also specified. Figure 1 should be reproduced on each label without reducing the font size of text, changing the content of the text, altering the positions of the various items of data or changing the use of bold and standard text. A larger font size may be used and the font itself may be changed, provided that the information remains clearly legible. The lines of the Figure 1 table need not be reproduced.

Since it is not specifically prohibited by the Regulations, logos, additional information etc may be printed on the label outside the text box specified in Figure 1. In addition, background colours and graphics are at the discretion of the manufacturer and dealer provided that the text complying with Figure 1 remains clearly legible.



## EASILY LEGIBLE

Schedule 2 requires the label to be easily legible. In DfT's opinion this precludes the use of:

- backgrounds which do not contrast with the text
- excessively stylised fonts

The above list is a set of examples, it is not exhaustive. Labels with transparent backgrounds are acceptable provided that the text contrasts with the background on which the label is placed and remains clearly visible.

## Posters & Displays

### LOCATION

Regulation 8 requires dealers to exhibit a poster/display containing information about fuel consumption and CO<sub>2</sub> emissions in a prominent position at the point of sale. This should be in a location where the customer is likely to spend sufficient time to notice the poster/display. In the case of a showroom displaying vehicles outdoors it may be located outside or inside. If vehicles are displayed primarily inside the showroom we would expect to find the poster/display inside the showroom also.

### ELECTRONIC SCREENS

From 24 July 2004 new Regulations (SI 2004 No 1661) revised the requirements for posters and displays in Schedule 3. As an alternative to a poster or display a dealer may present the information on an electronic screen, allowing the consumer to scroll through the list. The minimum dimensions of the screen must be at least 25cm by 32cm, which roughly equates to a 17inch screen or larger. The screen may form part of a larger display which complies with Schedule 3. Alternatively a dealer may display the information on a separate screen provided that it attracts the attention of the consumer at least to the same extent as a poster would have. This may be achieved, for example, by having a prominent poster indicating that the information is available on the electronic screen.

### RANGE OF DATA

Posters/displays are required to quote the worst case fuel consumption and CO<sub>2</sub> figures for the range of specifications grouped under each model description. There is nothing to prohibit the manufacturer quoting an appropriate (and accurate) range of data for each model, providing it includes the worst case figures.

### UPDATING THE POSTER/DISPLAY

SI 2004 No 1661 also changed requirements relating to the updating of posters and displays. In the case of a display featuring an electronic screen it must be updated every 3 months. Other types of poster/display must be updated every six months. In both cases the requirement to add new models to the poster/display between updates has been removed.

## Promotional Literature

### MEANING OF PROMOTIONAL LITERATURE

The Regulations define 'promotional literature' as 'all printed matter used in the marketing, advertising and promotion of a new passenger car...'. We are of the view that this definition does include material which is largely graphical, with limited textual content (perhaps containing



only the model name and an advertising slogan). We therefore consider that street advertisements are subject to the requirements of the regulations. However we do not believe that web sites, workshop manuals or owners' handbooks fall within the definition of promotional literature and therefore are not affected by the Regulations.

Whilst **all** promotional literature must include fuel consumption and CO<sub>2</sub> data, we consider it would be acceptable to include the data in separate pull-out sections included in brochures etc. It is anticipated that manufacturers may wish to take this approach to ease updating of brochures when the data changes. However it would not be acceptable for promotional literature to merely refer to another publication which was not included within its covers.

Publications covering a range of models are required to contain fuel consumption data for the vehicles covered, however this may be limited to the range of data from worst to best figures rather than including the relevant numbers for every single model. However literature which merely promotes the marque as a whole and does not refer to specific models need not contain the data.

## PROMINENCE AND LEGIBILITY

Schedule 4 of the Regulations requires that *"All information on the official fuel consumption and official specific emissions of CO<sub>2</sub> 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."*

There are therefore three requirements for such information. First, the information must be *"easy to read"*, second it must be *"easily understandable"* and third it must be *"no less prominent than the main part of the information"*. Advertisers will need to consider the context of their material in assessing whether they meet these requirements, however the following general guidance is provided.

In respect of the requirement that fuel consumption and CO<sub>2</sub> in promotional literature should be *'...no less prominent than the main part of the information...'*. We place emphasis on the word 'information' and consider this to mean that the fuel consumption and CO<sub>2</sub> information should not be in a smaller font size than other text giving information on the vehicle e.g. specification, performance, price. We do not consider that the Regulations require the data to be given equal prominence to, for example, the manufacturer's logo, images of the vehicle, advertising slogans etc. However the size of the font containing the fuel consumption information should not be smaller than the size of the font used to print the main message about the vehicle. The clear intention of the legislation is to put fuel consumption and CO<sub>2</sub> data on an equal footing with the central message communicated in the literature in question. This would for instance exclude font sizes used in the literature elsewhere for small-print or footnotes.

However, since the requirement is for the data to be given equal prominence with the **main** part of the information, the Regulations do not prohibit manufacturers from emphasising a particular piece of information e.g. cost, provided that fuel consumption and CO<sub>2</sub> is given equal prominence with the main information section.

Where promotional literature takes the form of a primarily graphical advert with no body copy, but which does cite a specific model or models (as is often the case with billboard advertisements) the requirement for equal prominence is difficult to interpret. However, the requirement that the information be easy to read still applies. We consider that, in the case of primarily graphical billboard advertisements, the information on fuel economy and CO<sub>2</sub> emissions should be easily legible by a person standing on the opposite side of the road (but not necessarily one in a passing vehicle). It is not sufficient that the advertisement can be read by someone standing directly in front of the billboard, since it is designed to be seen by a much wider audience."



## Alternatively Fuelled Vehicles

The Regulations do not specifically refer to bi-fuel vehicles. However the requirements are for the 'official fuel consumption' and 'official specific emissions of CO<sub>2</sub>' as determined at type approval and recorded on the Certificate of Conformity to be displayed. In the case of bi-fuel vehicles switchable between a conventional fuel (petrol or diesel) and an alternative fuel (e.g. LPG or CNG), type approval requires the fuel consumption and CO<sub>2</sub> emissions on both fuels to be determined and recorded on the Certificate of Conformity. Consequently our opinion is that the legal requirement of the Regulations is that figures for both fuels are displayed on labels, posters, promotional literature etc.

The figure of most importance to consumers will be the alternative fuel CO<sub>2</sub> emissions figure since this will determine their road tax and company car tax liability. It is therefore of most importance that this figure is quoted and manufacturers may wish to make it stand out from the petrol data in some way e.g. by using bold text.

## Compliance

The Regulations entered into force on 21st November 2001. No mandatory additional requirements were introduced by SI 2004 No 1661 and therefore we would now expect suppliers and dealers to be complying fully with the requirements of the regulations. Enforcement action should take the form of helping and encouraging dealers and manufacturers to comply with the requirements of the Regulations, with prosecutions only being brought in cases of persistent non-compliance.

## Enforcement Responsibilities

The Regulations specify the Secretary of State as an enforcement authority for England, Wales and Scotland; this includes the Vehicle Certification Agency as officials of the Secretary of State for Transport. The VCA will have responsibility for reviewing the content of promotional literature to ensure that the mandatory data is included and accurate.

Local weights and measures authorities will enforce all other aspects of the regulations in England, Wales and Scotland e.g. checking posters, labels, and availability of guidebooks. Since weights and measures authorities will be visiting dealers' premises to conduct their enforcement duties it makes sense for them to also have responsibility for checking that promotional literature available here contains fuel consumption and CO<sub>2</sub> data. However should any question arise regarding the accuracy of the data in the literature they should refer the matter to VCA. As part of their enforcement responsibility, weights and measures authorities may have to take action not only against dealers, but also against suppliers should they be found to have failed to provide data to the dealers (see Regulation 5). In Northern Ireland the Department of Enterprise, Trade and Investment will hold enforcement responsibility for all aspects of the Regulations.

The Passenger Car (Fuel Consumption and CO<sub>2</sub> Emissions Information) Regulations 2001 (Statutory Instrument 2001 No. 3523) are available at:

[http://www.opsi.gov.uk/si/si2001/uksi\\_20013523\\_en.pdf](http://www.opsi.gov.uk/si/si2001/uksi_20013523_en.pdf)

Statutory Instrument 2004 No. 1661 which amended the requirements for posters/displays is available at: <http://www.opsi.gov.uk/si/si2004/20041661.htm>

Alternatively copies of the relevant regulations can be purchased from The Stationery Office:

TSO, PO Box 29, Norwich, NR3 1GN.

Tel. 0870 600 5522  
Fax. 0870 600 5533

**Figure 1**

<i>ENVIRONMENTAL INFORMATION</i>		
<i>A guide on fuel economy and CO<sub>2</sub> emissions which contains data for all new passenger car models 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<sub>2</sub> emissions. CO<sub>2</sub> is the main greenhouse gas responsible for global warming.</i>		
<i>Make/Model:</i>	<i>Engine Capacity (cc):</i>	
<i>Fuel Type:</i>	<i>Transmission:</i>	
<b>Fuel Consumption:</b>		
<i>Drive cycle</i>	<i>Litres/100km</i>	<i>Mpg</i>
Urban		
Extra-urban		
Combined		
<b>Carbon dioxide emissions (g/km):</b>		
<b>Important note:</b> some specifications of this make/model may have lower CO <sub>2</sub> emissions than this. Check with your dealer.		

Taken from Statutory Instrument 2001 No. 3523

Examples of Fuel Consumption and CO<sub>2</sub> data within advertisements

The following examples seek to enhance the Department for Transport (DfT) guidance notes first published in July 2003, which in turn aim to give information on The Passenger Car (Fuel Consumption and CO<sub>2</sub> Emissions Information) Regulations (SI 2001 No. 3523). These examples should therefore be viewed in conjunction with the aforementioned documents.

### **About VCA**

In addition to our role within the DfT of being the United Kingdom approval authority for Type Approval, and being one of the leading suppliers of MSC services to the vehicle manufacturing industry, VCA is also the principle organisation within the DfT for ensuring compliance with the promotional literature aspects of this legislation.

In addition to our enforcement role, we are always happy to provide guidance on planned advertisements before they are passed for publication.





It should be noted that any legal interpretation of this legislation remains the prerogative of the Courts.


### **Common problems with advertisements**

The single most common problem we come across is where the Fuel Consumption and CO<sub>2</sub> data is shown within an advertisement but appears “less prominent” than the main text (see page 4 of the guidance notes). Examples 1 to 4 aim to clarify this section. Example 5 indicates that Fuel Consumption and CO<sub>2</sub> data must be shown on model specific adverts, even where there is minimal text content. Example 6 shows how to display the data for a model range.

## Example 1







Not Acceptable

Engineering For Enthusiasts?

The ACEX DS2. With its acclaimed dynatronic V6 engine, multiplex suspension, the triptronic gearbox and Italian styling, its far more than just an engineer's dream!

The Fuel Consumption and CO<sub>2</sub> information is produced using smaller font than main text

Fuel economy figures for the Acex mpg (l/100km). Urban 18.7 (15.1), extra urban 36.4 (7.8), combined 27.0 (10.5), CO<sub>2</sub> emissions 249 g/km


Costs with metallic paint (£650), on the road price £38,650 – prices and publication details correct at the time of going to press


Slogan


Main text

The Fuel Consumption and CO<sub>2</sub> information is produced using smaller font than main text

Additional information







Acceptable

*Engineering For Enthusiasts?*

**The ACEX DS2. With its acclaimed dynatronic V6 engine, multiplex suspension, the triptronic gearbox and Italian styling, its far more than just an engineer's dream!**

Fuel Consumption and CO<sub>2</sub> figures using the same font as the main text.


**Fuel economy figures for the Acex mpg (l/100km).  
Urban 18.7 (15.1), extra urban 36.4 (7.8),  
combined 27.0 (10.5), CO<sub>2</sub> emissions 249 g/km**


Costs with metallic paint (£650), on the road price £38,650 – prices and publication details correct at the time of going to press


Slogan

Main text

Additional information







Not Acceptable

Engineering For Enthusiasts?

**The ACEX DS2. With its acclaimed dynatronic V6 engine, multiplex suspension, the triptronic gearbox and Italian styling, its far more than just an engineer's dream!**

Fuel economy figures for the Acex mpg (l/100km).  
Urban 18.7 (15.1), extra urban 36.4 (7.8),  
combined 27.0 (10.5), CO<sub>2</sub> emissions 249 g/km

Costs with metallic paint (£650), on the road price £38,650 – prices and publication details correct at the time of going to press

Slogan


Main text


The Fuel Consumption and CO<sub>2</sub> figures have been produced using the same font as the main text, but the font colour has reduced the prominence.


Additional information

Example 4

Fuel economy figures for the Acex mpg (l/100km). Urban 18.7 (15.1), extra urban 36.4 (7.8), combined 27.0 (10.5), CO<sub>2</sub> emissions 249 g/km







Acceptable

*Engineering For Enthusiasts?*

The ACEX DS2. With its acclaimed dynatronic V6 engine, multiplex suspension, the triptronic gearbox and Italian styling, its far more than just an engineer's dream!




Costs with metallic paint (£650), on the road price £38,650... prices and publication details correct at the time of going to press

The Fuel Consumption and CO<sub>2</sub> figures use the same font as the main text so this is acceptable. Beware however of printer binding that may partially or wholly obscure this information.

Slogan

Main text

Additional information




**The ACEX DS2**  
*Engineering For  
Enthusiasts?*


Slogan

No main text

Fuel Consumption and CO<sub>2</sub> figures missing entirely.  
All model specific printed promotional literature must contain fuel consumption and CO<sub>2</sub> figures.

Example 6






Engineering For Enthusiasts?

**Introducing the ACEX. Available in the super fuel efficient Sunrise version 1.4, 1.6 or 2.0 litre versions, or the high performance DS2 V6 engine. All have multiplex suspension, a triptronic gearbox, Italian styling and are guaranteed to put a smile on your face!**

**Fuel economy figures for the ACEX range: mpg (l/100km). Urban 18.7/29.4 (15.1/9.6), extra urban 36.4/50.4 (7.8/5.6), combined 27.0/40.4 (10.5/5.6), CO<sub>2</sub> emissions 249/168 g/km**

Costs with metallic paint (£650), on the road price £38,650 – prices and publication details correct at the time of going to press



Acceptable

Slogan

Main text

Additional information

The Fuel Consumption and CO<sub>2</sub> figures here show the worst and best of the range being advertised.