

## THE FUTURE OF EV CHARGING: SPOTLIGHT ON UNITED KINGDOM

11 APRIL 2024 • ARTICLE



In this article, the second in our “The Future of EV Charging Infrastructure: Spotlight on” series, we provide an overview of the main pieces of regulation governing the development of EV charging infrastructure in the United Kingdom (UK).

"Whilst some may see this as the e-mobility sector in the UK stalling, the announcement referred to the 'Prime Minister's proportionate and pragmatic decision to delay the ban on new diesel and petrol cars from 2030 to 2035'."

### UK E-MOBILITY: FAILURE TO CHARGE?

Recent months have seen a raft of changes introduced to the UK's e-mobility scene, with changes made to:

- the overall policy direction, with publication of the zero emission vehicle (ZEV) mandate consultation on 28 September 2023;
- an announcement of increased government funding available for decarbonising heavy goods vehicles (“HGVs”) on 19 October 2023; and
- approval by Parliament of the new Public Charge Point Regulations 2023 on 24 October 2023.

### ZEV MANDATE AT A GLANCE

Three years ago, in June 2020, we wrote about the UK government's desire to “bring forward its ban on the sale of new petrol, diesel and hybrid cars in the UK from 2040 to at least 2035”. That position was confirmed in November 2020, with the government committing to a ban in two stages:

- Stage 1 – the phase-out date for the sale of new petrol and diesel cars and vans brought forward to 2030. The term “phase-out” is key – during the first stage (2030 to 2035), new cars and vans “can be sold if they have the capability to drive a significant distance with zero emissions (for example, plug-in hybrids or full hybrids)”; and
- Stage 2 – all new cars and vans to be fully zero emission at the tailpipe from 2035.

On 28 September 2023, however, the UK government announced a scaling back of its e-mobility ambitions via publication of the [Zero emission vehicle \(ZEV\) mandate consultation: Summary of responses and joint government response](#). Whilst some may see this as the e-mobility sector in the UK stalling, the announcement referred to the *“Prime Minister’s proportionate and pragmatic decision to delay the ban on new diesel and petrol cars from 2030 to 2035”*.

The ban will still be implemented in two stages as follows:

- Stage 1 – 80% of new cars and 70% of new vans sold in Great Britain to be zero emission by 2030. This means that cars and vans will still be sold even if they have no capability to drive with zero emissions (e.g. diesel and petrol fuelled cars); and
- Stage 2 – all new cars and vans to be fully zero emission by 2035.

Whilst the UK previously prided itself on being a leader in the e-mobility field, the newly articulated target *“puts the UK in line with other major global economies, including France, Germany, Sweden and Canada”*, according to the [government announcement](#) accompanying the new publication.

**"Decarbonise freight vehicles via investment in '4 innovative green projects to roll out up to 370 zero emission HGVs and help set road freight on the path towards net zero, driving innovation and creating new jobs'."**

## Where does it apply?

The ZEV mandate became applicable in England, Wales and Scotland from January 2024.

Northern Ireland (“NI”) will join the mandate when the Assembly is able to pass the required legislation. Until that time, NI will retain an appropriately scaled version of the existing CO2 emissions regulation for new cars and vans.

## What is it?

The ZEV mandate creates a scheme that will apply to vehicle manufacturers. They will be given targets for sales of ZEVs and for CO2 emissions, with tradeable allowances/certificates to be delivered in satisfaction of their obligations.

This is a familiar concept in the energy industry, particularly to:

- investors and developers of renewable energy generation plants who acquire and sell REGOs<sup>1</sup> in the UK or GOOs<sup>2</sup> in the EU; and
- electricity suppliers who acquire, submit and trade ROCs<sup>3</sup> in satisfaction of their own renewable energy targets.

## Allowances

Vehicle manufacturers will be set targets for ZEV sales and CO2 emissions, with allowances as set out in the following table.

"'Deliver around 57 refuelling and electric charging sites, providing the crucial infrastructure to help the haulage sector decarbonise'."

	ZEV allowance	CO2 emissions allowance
<b>Target</b>	An annual target set as a percentage of the manufacturer's total annual sales that must be zero emission.	A baseline target for CO2 emissions based on 2021 data, which will remain constant out to 2030.
<b>Use of allowances</b>	For each non-ZEV sold, the manufacturer must have a ZEV allowance, the unit in which compliance will be measured. Manufacturers will receive enough allowances that if they meet their target, they will not need additional allowances.	Manufacturers must have enough CO2 emissions allowances so that they have one for every gram CO2/km that they emit on average fleetwide. Manufacturers will be awarded enough allowances so that if they meet their baseline target, they will not require anymore.
<b>Excess allowances</b>	If a manufacturer sells more ZEVs than their target, they will have a surplus of allowances they can sell, bank, or convert their excess allowances.	If a manufacturer beats their target, they can sell or convert spare allowances.
<b>Failure to meet target</b>	If a manufacturer sells fewer ZEVs than their target, they can buy, borrow, use banked allowances, or convert CO2 emissions allowances to meet their obligation, or make a final compliance payment.	If a manufacturer misses their target, they can buy allowances or convert ZEV allowances into CO2 emissions allowances to meet their obligation or make a final compliance payment.

## DECARBONISING HGVS

On 19 October 2023, the UK government announced a £200m investment scheme to be delivered in partnership with Innovate UK. The zero emission HGV and infrastructure demonstrator programme aims to:

- decarbonise freight vehicles via investment in "4 innovative green projects to roll out up to 370 zero emission HGVs and help set road freight on the path towards net zero, driving innovation and creating new jobs"; and
- "deliver around 57 refuelling and electric charging sites, providing the crucial infrastructure to help the haulage sector decarbonise".

The **four projects** receiving investment are:

- eFREIGHT 2030 by Voltempo;
- Project Electric Freightway by GRIDSERVE;
- Project Zero Emission North (“ZEN”); and
- Freight and Hydrogen Aggregated Logistics (“HyHAUL”) by Protium.

## NEW EV CHARGING REGULATIONS

The draft Public Charge Point Regulations 2023<sup>4</sup> (the “Regulations”) were laid before parliament on 11 July 2023 and approved by both houses on 24 October 2023<sup>5</sup>. They were made exercising powers granted under the Automated and Electric Vehicles Act 2018 and apply across all of the UK.

The Regulations are a welcome step forward for the public and aim to make EV charging infrastructure easier to use and more readily accessible. The government has recognised that uptake of EVs is central to reaching its net zero commitments, and that enabling the EV transition will require the continued accelerated rollout of public charging infrastructure.

As set out in the explanatory notes to the Regulations: *“While most people do and will continue to use private home charging, public charging is critical for those without off-street parking or on long journeys. DfT official statistics produced using data from Zap-Map shows that the provision of public charge points has increased rapidly from 7,211 in 2017 to over 42,250 on 1 May 2023. However, demand for public charging is expected to continue to grow rapidly”.*

The Regulations set out requirements for payments (contactless and roaming), reporting, provision of 24-hour staffed help lines, data accessibility and pricing transparency. Importantly, the Regulations also give the government investigatory powers, and the ability to impose civil sanctions by way of imposition of a prohibition on certain operators, or by payment of fines up to a maximum of £250,000.

*If you have questions about any of these new measures, or you think you may be affected by them, please contact the authors or your usual WFW contact.*

Sign up [here](#) to receive future updates in this series.

Click [here](#) to view the full article series.

## FOOTNOTES

**"DfT official statistics produced using data from Zap-Map shows that the provision of public charge points has increased rapidly from 7,211 in 2017 to over 42,250 on 1 May 2023. However, demand for public charging is expected to continue to grow rapidly'."**

# WATSON FARLEY & WILLIAMS

- [1] <https://www.ofgem.gov.uk/environmental-and-social-schemes/renewable-energy-guarantees-origin-rego>
- [2] <https://www.ofgem.gov.uk/environmental-and-social-schemes/renewable-energy-guarantees-origin-rego/electricity-suppliers-and-generators/guarantees-origin-goos>
- [3] <https://www.ofgem.gov.uk/environmental-and-social-schemes/renewables-obligation-ro>
- [4] <https://www.legislation.gov.uk/ukdsi/2023/9780348249873>
- [5] <https://www.gov.uk/government/news/new-laws-to-make-charging-an-electric-vehicle-easier-and-quicker>

## KEY CONTACTS



**MARIANNE ANTON**  
COUNSEL • LONDON

T: +44 20 3314 6330

[manton@wfw.com](mailto:manton@wfw.com)



**MARTIN LUCAS**  
PARTNER • LONDON

T: +44 20 7814 8101

[mlucas@wfw.com](mailto:mlucas@wfw.com)



**EMMANUEL NINÓS**  
PARTNER • LONDON

T: +44 20 7814 8046

[eninos@wfw.com](mailto:eninos@wfw.com)

### DISCLAIMER

Watson Farley & Williams is a sector specialist international law firm with a focus on the energy, infrastructure and transport sectors. With offices in Athens, Bangkok, Dubai, Dusseldorf, Frankfurt, Hamburg, Hanoi, Hong Kong, London, Madrid, Milan, Munich, New York, Paris, Rome, Seoul, Singapore, Sydney and Tokyo our 700+ lawyers work as integrated teams to provide practical, commercially focussed advice to our clients around the world.

All references to 'Watson Farley & Williams', 'WFW' and 'the firm' in this document mean Watson Farley & Williams LLP and/or its affiliated entities. Any reference to a 'partner' means a member of Watson Farley & Williams LLP, or a member, partner, employee or consultant with equivalent standing and qualification in WFW Affiliated Entities. A list of members of Watson Farley & Williams LLP and their professional qualifications is open to inspection on request.

Watson Farley & Williams LLP is a limited liability partnership registered in England and Wales with registered number OC312252. It is authorised and regulated by the Solicitors Regulation Authority and its members are solicitors or registered foreign lawyers.

The information provided in this publication (the "Information") is for general and illustrative purposes only and it is not intended to provide advice whether that advice is financial, legal, accounting, tax or any other type of advice, and should not be relied upon in that regard. While every reasonable effort is made to ensure that the Information provided is accurate at the time of publication, no representation or warranty, express or implied, is made as to the accuracy, timeliness, completeness, validity or currency of the Information and WFW assume no responsibility to you or any third party for the consequences of any errors or omissions. To the maximum extent permitted by law, WFW shall not be liable for indirect or consequential loss or damage, including without limitation any loss or damage whatsoever arising from any use of this publication or the Information.

This publication constitutes attorney advertising.