Commission Delegated Regulation (EU) 2020/2173 of 16 October 2020 amending Annexes I, II and III to Regulation (EU) 2019/631 of the European Parliament and of the Council to update the monitoring parameters and clarify certain aspects relating to the change in the regulatory test procedure (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2020/2173

of 16 October 2020

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO_2 emission performance standards for new passenger cars and new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011[(1)], and in particular Articles 7(8) and 15(8) thereof,

Whereas:

(1) In order to calculate a manufacturer's specific emission targets for the period 2021 to 2024 pursuant to Annex I to Regulation (EU) 2019/631, CO_2 emissions data for vehicles registered in calendar year 2020 is required. For manufacturers that place vehicles on the market of the Union for the first time in the period 2021 to 2024, it is necessary to clarify how their specific emission targets as well as derogation targets for that period should be determined, taking into account that CO_2 emissions data will not, or only partially, be available for those manufacturers in calendar year 2020.

(2) Similarly, a clarification is needed for manufacturers that place only vehicles with zero CO_2 emissions on the market of the Union in the calendar year 2020 as regards how their specific emission targets in the period 2021 to 2024 should be determined.

(3) From 1 January 2021, the CO_2 emission standards are to be based on CO_2 emissions data determined in accordance with the Worldwide Harmonised Light Vehicle Test Procedure (WLTP) as set out in Commission Implementing Regulation (EU) 2017/1151[(2)]. It is therefore necessary to amend Annex I to Regulation (EU) 2019/631 in order to adjust the parameters to be monitored and reported and to remove references to data determined on the basis of the New European Driving Cycle (NEDC). However, for the reporting of the data for calendar year 2020, it is appropriate to allow the new and the existing provisions to overlap until 28 February 2021.

(4) The opportunity should also be taken to harmonise, to the extent possible, the monitoring parameters for passenger cars and light commercial vehicles and to align all

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provisions relating to how the monitoring parameters are to be recorded and reported by Member States as set out in Commission Implementing Regulations (EU) No 1014/2010[(3)] and (EU) No 293/2012[(4)] together with the reporting formats set out in Annexes II and III to Regulation (EU) 2019/631.

(5) Certain new parameters should be monitored and reported in view of the preparation of a procedure for monitoring of real-world CO_2 emissions and fuel or energy consumption as provided for in Article 12 of Regulation (EU) 2019/631, and for verifying the CO_2 emissions of vehicles in-service as provided for in Article 13 of that Regulation. This includes, in particular, fuel consumption values and, on request from the Commission, the parameters used for the calculation of the CO_2 emission values recorded in the certificates of conformity of the vehicles, i.e. the road load coefficients, frontal area and tyre rolling resistance class.

(6) Regulation (EU) 2019/631 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III to Regulation (EU) 2019/631 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 October 2020.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX

Regulation (EU) 2019/631 is amended as follows:

(1) Annex I is amended as follows:

(a) Part A is amended as follows:

(i) after point 3, the following points 3a, 3b and 3c are inserted:

3a. For a manufacturer for which $WLTP_{CO2}$ or $NEDC_{CO2}$ is zero, the specific emission reference target in 2021 shall be $NEDC_{2020target}$ as defined in point 3.

3b. For a manufacturer that is placing passenger cars on the market of the Union for the first time in any of the calendar years 2021 to 2024, the specific emission reference target in 2021 shall be the average of the specific emissions reference targets determined for all manufacturers in accordance with point 3, weighted according to the number of new passenger cars that were registered for those manufacturers in the Union in 2020.

3c. Notwithstanding point 3b, where in any of the calendar years 2021 to 2024, a manufacturer is placing passenger cars on the market of the Union for the first time, but that manufacturer was formed by a merger of two or more manufacturers of which at least one was responsible for new passenger cars registered in the Union in 2020, the specific emission reference target in 2021 for the new manufacturer shall be one of the following:

(a) where two or more of the merging manufacturers were responsible for new passenger cars registered in the Union in 2020, the specific emission reference target in 2021 shall be the average of the specific emission reference targets determined for those manufacturers in accordance with point 3, weighted according to the number of new passenger cars that were registered for those manufacturers in the Union in 2020;

(b) where only one of the merging manufacturers was responsible for new passenger cars registered in the Union in 2020, the specific emission reference target in 2021 determined in accordance with point 3 for that manufacturer.;

(ii) point 5 is replaced by the following:

5. Derogation targets in accordance with Article 10(3) or 10(4)

(a) For a manufacturer that has been granted a derogation in accordance with Article 10(3)

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from its NEDC based specific emissions target in calendar year 2021, or a derogation in accordance with Article 10(4) from its specific emission targets in any of the calendar years 2021 to 2024, the WLTP based derogation target for those years shall be calculated as follows:

$$\text{Derogation target} = \text{WLTP}_{CO2} \cdot \left(\frac{NEDC_{derogationtarget}}{NEDC_{CO2}}\right)$$

Where:

WLTP_{CO2}	is WLTP_{C} as defined in point 3;
NEDC_{CO2}	is NEDC_{C} as defined in point 3;
$\text{NEDC}_{\text{derogationtarget}}$	is the derogat target granted by the Commi pursuan to Article 10(3) or 10(4) as the case may be.

(b) Notwithstanding point (a), where a manufacturer is granted a derogation in accordance with Article 10(4) from the specific emission targets in any of the calendar years 2021 to 2024, but was not responsible for the registration of new passenger cars in the Union prior to 2021, the derogation target for any

of those calendar years shall be calculated in accordance with the formula in point (a), where the following definitions shall apply:

$WLTP_{CO2}$	is the average value across all individu manufa weighte by the number of new passeng cars registere in 2020, of $WLTP_C$ as defined in point 3;
$NEDC_{CO2}$	is the average value across all individu manufa weighte by the number of new passeng cars registere in 2020, of $NEDC_C$ as defined