Regulation (EU) 2020/740 of the European Parliament and of the Council of 25 May 2020 on the labelling of tyres with respect to fuel efficiency and other parameters, amending Regulation (EU) 2017/1369 and repealing Regulation (EC) No 1222/2009

REGULATION (EU) 2020/740 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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on the labelling of tyres with respect to fuel efficiency and other parameters, amending Regulation (EU) 2017/1369 and repealing Regulation (EC) No 1222/2009

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and Article 194(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) The Union is committed to building an Energy Union with a forward#looking climate policy. Fuel efficiency is a crucial element of the Union's 2030 climate and energy policy framework and is key to moderating energy demand.

(2) The Commission has reviewed Regulation (EC) No 1222/2009 of the European Parliament and of the Council[(3)] and has identified the need to update its provisions to improve its effectiveness.

(3) It is appropriate to replace Regulation (EC) No 1222/2009 in order to clarify and update some of its provisions, taking into account technological progress with regard to tyres.

(4) The transport sector accounts for a third of the Union's energy consumption. Road transport was responsible for about 22 % of the Union's total greenhouse gas emissions in 2015. Tyres, mainly because of their rolling resistance, account for 20 to 30 % of the fuel consumption of vehicles. A reduction in the rolling resistance of tyres would therefore contribute significantly to the fuel efficiency of road transport and thus to the reduction of greenhouse gas emissions and to the decarbonisation of the transport sector.

(5) In order to meet the challenge of reducing the CO_2 emissions of road transport, it is appropriate that Member States, in cooperation with the Commission, provide for incentives to innovate with regard to fuel#efficient and safe C1 tyres, C2 tyres and C3 tyres.

(6) Tyres are characterised by a number of interrelated parameters. Improving one parameter, such as rolling resistance, may have an adverse impact on other parameters, such as wet grip, while improving wet grip performance may have an adverse impact on external rolling noise. Tyre manufacturers should be encouraged to optimise all parameters beyond the current standards.

(7) Fuel#efficient tyres can be cost#effective, since the fuel savings that they generate more than offset the increased purchase price resulting from the higher production costs of such tyres.

(8) Regulation (EC) No 661/2009 of the European Parliament and of the Council[(4)] lays down minimum requirements for the rolling resistance of tyres. Technological developments make it possible to reduce the energy losses that are due to tyre rolling resistance significantly beyond those minimum requirements. To reduce the environmental impact of road transport, it is therefore appropriate to update the provisions on the labelling of tyres to encourage end-users to purchase more fuel# efficient tyres by providing them with harmonised information on the rolling resistance parameter.

(9) Improving the labelling of tyres will enable consumers to obtain more relevant and more comparable information on fuel efficiency, safety and noise and to take cost#effective and environmentally friendly decisions when purchasing tyres.

(10) Traffic noise is a significant nuisance and has a harmful effect on health. Regulation (EC) No 661/2009 lays down minimum requirements for the external rolling noise of tyres. Technological developments make it possible to reduce external rolling noise significantly beyond those minimum requirements. To reduce traffic noise, it is therefore appropriate to update the provisions on the labelling of tyres to encourage end-users to purchase tyres with lower external rolling noise by providing them with harmonised information on the external rolling noise parameter.

(11) The provision of harmonised information on external rolling noise also facilitates the implementation of measures to limit traffic noise and contributes to increased awareness of the effect of tyres on traffic noise within the framework of Directive 2002/49/EC of the European Parliament and of the Council[(5)].

(12) Regulation (EC) No 661/2009 also lays down minimum requirements for the wet grip of tyres. Technological developments make it possible to improve wet grip significantly beyond those minimum requirements, and thus to reduce wet braking distances. To improve road safety, it is therefore appropriate to update the provisions on the labelling of tyres to encourage end-users to purchase tyres with higher wet grip performance by providing them with harmonised information on the wet grip parameter.

(13) In order to ensure alignment with the international framework, Regulation (EC) No 661/2009 refers to Regulation No 117 of the Economic Commission for Europe of the United Nations (UNECE)[(6)], which sets out the relevant measurement methods for the rolling resistance, external rolling noise, and wet and snow grip performance of tyres.

(14) Information on the performance of tyres that are specifically designed for use in severe snow and ice conditions should be included on the tyre label. Information on snow grip performance should be based on Regulation No 117 of the Economic Commission for Europe of the United Nations (UNECE), in its most up#to#date version applicable to the Union, (UNECE Regulation No 117), and the 'Alpine Symbol' pictogram contained therein should be included on the tyre label of a tyre which satisfies the minimum snow grip index values set out in that Regulation. Information on ice grip performance should, once the standard is formally adopted, be based on ISO standard ISO 19447 and the ice grip pictogram should be included on the tyre label of a tyre which satisfies the minimum ice grip index values set out in that ISO standard. Until adoption of ISO standard ISO 19447, ice grip performance should be assessed against reliable, accurate and reproducible methods, which take into account the generally recognised state of the art. The tyre label of a tyre which satisfies the minimum ice grip performance standards should show the ice grip pictogram set out in Annex I.

(15) The abrasion of tyres during use is a significant source of microplastics, which are harmful to the environment and human health. The Commission's Communication 'A European Strategy for Plastics in a Circular Economy' therefore mentions the need to address the unintentional release of microplastics from tyres, inter alia through information measures such as labelling and through minimum requirements for tyres. Linked to tyre abrasion is the concept of mileage, namely the number of kilometres a tyre will last before it needs to be replaced because of tread wear. In addition to tyre abrasion and tread wear, the lifespan of a tyre depends on a range of factors, such as the wear resistance of the tyre, including the compound, tread pattern and structure, road conditions, maintenance, tyre pressure and driving behaviour.

(16) However, a suitable testing method to measure tyre abrasion and mileage is not currently available. Therefore, the Commission should mandate the development of such a testing method, taking into full consideration the state of the art and internationally developed or proposed standards and regulations, as well as the work carried out by industry.

(17) Re#treaded tyres constitute a substantial part of the market for heavy#duty vehicle tyres. The re#treading of tyres extends their lifespan and contributes to circular economy objectives, such as waste reduction. Applying labelling requirements to such tyres would bring substantial energy savings. This Regulation should provide for the future inclusion of a suitable testing method to measure the performance of re#treaded tyres, which is not currently available.

(18) The energy label provided for under Regulation (EU) 2017/1369 of the European Parliament and of the Council[7], which ranks the energy consumption of products on a scale from 'A' to 'G', is recognised by over 85 % of Union consumers as a clear and transparent information tool and has proven to be effective in promoting more efficient products. The tyre label should be of the same design to the extent possible, while recognising the specificities of tyre parameters.

(19) The provision of comparable information on tyre parameters in the form of a standard tyre label is likely to influence purchasing decisions by end-users in favour of more fuel#efficient, longer#lasting, safer and quieter tyres. This, in turn, is likely to encourage

tyre manufacturers to optimise tyre parameters, which would pave the way for a more sustainable consumption and production of tyres.

(20) The need for greater information on fuel efficiency and other parameters is relevant for all end-users, including purchasers of replacement tyres, purchasers of tyres fitted on new vehicles, and fleet managers and transport undertakings, who cannot easily compare the parameters of different tyre brands in the absence of a labelling and harmonised testing regime. It is therefore appropriate to require that a tyre label be provided for all tyres offered with or fitted on vehicles.

(21) Currently, tyre labels are required for tyres for cars (C1 tyres) and vans (C2 tyres) but not for heavy#duty vehicles (C3 tyres). C3 tyres consume more fuel and cover more kilometres per year than C1 tyres or C2 tyres, and therefore the potential to reduce fuel consumption and greenhouse gas emissions from heavy#duty vehicles is significant. Therefore, C3 tyres should be included in the scope of this Regulation. Including C3 tyres fully in the scope of this Regulation is also in line with Regulation (EU) 2018/956 of the European Parliament and of the Council[(8)], which provides for the monitoring and reporting of CO_2 emissions from and fuel consumption of new heavy#duty vehicles, and with Regulation (EU) 2019/1242 of the European Parliament and of the Council[(9)], which sets CO_2 emission performance standards for new heavy#duty vehicles.

(22) Many end-users make tyre purchasing decisions without seeing the actual tyre and therefore do not see the tyre label affixed to it. In such situations, end-users should be shown the tyre label before taking their purchasing decisions. The display of a tyre label on tyres at the point of sale, as well as in technical promotional material, should ensure that distributors as well as potential end-users receive harmonised information on the relevant tyre parameters at the time and place of the purchasing decision.

(23) Some end-users make tyre purchasing decisions before arriving at the point of sale, or purchase tyres by mail order or on the internet. To ensure that those end-users can also make an informed choice on the basis of harmonised information on, inter alia, fuel efficiency, wet grip and external rolling noise, tyre labels should be displayed in all technical promotional material and visual advertisements for specific tyre types, including where such material is made available on the internet. Where visual advertisements pertain to a tyre family, and not only to a specific tyre type, the tyre label does not have to be shown.

(24) Potential end-users should be provided with information explaining each component of the tyre label and its relevance. That information should be provided in all technical promotional material, for example on suppliers' websites, but should not be required in visual advertisements. Technical promotional material should not be understood to include advertisements via billboards, newspapers, magazines or radio or television broadcasts.

(25) Without prejudice to the market surveillance obligations of Member States or to the obligation of suppliers to check product conformity, suppliers should make the requisite product compliance information electronically available in the product database. The information that is relevant to consumers and distributors should be made publicly available in the public part of the product database. That information should be made

available as open data so as to give mobile application developers and comparison tools the opportunity to use it. Easy direct access to the public part of the product database should be facilitated by user#oriented tools that are included on the printed tyre label, such as a dynamic quick response code (QR code).

(26) The compliance part of the product database should be subject to strict data protection rules. The required specific parts of the technical documentation in the compliance part of the product database should be made available both to market surveillance authorities and to the Commission. Where technical information is too sensitive to include it in the category of technical documentation, market surveillance authorities should have access to that information when necessary in accordance with the duty of cooperation on suppliers or by way of additional parts of the technical documentation uploaded to the product database by suppliers on a voluntary basis.

(27) The sale of tyres through internet sales platforms, rather than directly from suppliers, is growing. Therefore, hosting service providers should enable the display of the tyre label and product information sheet provided by the supplier close to the price indication. They should inform the distributor of the obligation to display the tyre label and product information sheet, but should not be responsible for the accuracy or content of that tyre label or product information sheet. The obligations imposed on hosting service providers under this Regulation should remain limited to what is reasonable and should not amount to a general obligation to monitor the information that they store or to actively seek facts or circumstances indicating activities that do not comply with the requirements of this Regulation. However, Article 14(1) of Directive 2000/31/EC of the European Parliament and of the Council[(10)] requires hosting service providers that wish to benefit from the liability exemption contained in that provision to act expeditiously to remove or disable access to information that they store at the request of recipients of their services where such information does not comply with the requirements of this Regulation, such as those relating to missing, incomplete or incorrect tyre labels or product information sheets. They should do so as soon as they obtain actual knowledge of such information or, as regards claims for damages, as soon as they become aware of such information, for example through specific information provided by a market surveillance authority. Suppliers selling directly to end-users via their own website are subject to the same distance selling obligations as distributors.

(28) Rolling resistance, wet grip, external rolling noise and other parameters should be measured in accordance with reliable, accurate and reproducible methods that take into account the generally recognised state#of#the#art measurement and calculation methods. As far as possible, such methods should reflect average consumer behaviour and be robust in order to deter both intentional and unintentional circumvention. Tyre labels should reflect the comparative performance of the tyres in actual use, within the constraints arising from the need for reliable, accurate and reproducible laboratory testing, in order to enable end-users to compare different tyres and to limit testing costs for manufacturers.

(29) Where they have sufficient reason to believe that a supplier has not ensured the accuracy of the tyre label and in order to give additional confidence to consumers, national