Commission Implementing Regulation (EU) 2019/1839 of 31 October 2019 amending Implementing Regulation (EU) 2017/1152 as regard the determination and reporting of WLTP CO2 values for certain categories of new light commercial vehicles and adjusting the input data for the correlation tool (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1839

of 31 October 2019

amending Implementing Regulation (EU) 2017/1152 as regard the determination and reporting of WLTP CO_2 values for certain categories of new light commercial vehicles and adjusting the input data for the correlation tool

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO_2 emissions from light-duty vehicles[(1)], and in particular the first subparagraph of Article 8(9) and the third subparagraph of Article 13(6) thereof,

Whereas:

(1) Light commercial vehicles for which type-approvals have been granted pursuant to Regulation (EC) No 595/2009 of the European Parliament and of the Council[(2)] and extended pursuant to the fourth paragraph of Article 2 of that Regulation may be placed on the market in 2020, and as end-of-series vehicles until June 2022, with CO_2 emission values determined in accordance with the New European Drive Cycle (NEDC).

(2) Those vehicles should, however, be adequately accounted for in the calculation of the specific CO_2 emission targets applicable to manufacturers from 2021 to 2024, and for verifying compliance with those targets in the years 2021 and 2022 in accordance with points 1 to 5 of Part B of Annex I to Regulation (EU) 2019/631 of the European Parliament and of the Council[(3)].

(3) Commission Implementing Regulation (EU) 2017/1152[(4)] provides a methodology for the correlation of NEDC CO_2 emission values and those determined in accordance with the Worldwide Harmonised Light Vehicle Test Procedure (WLTP) as set out in Commission Regulation (EU) 2017/1151[(5)]. It is therefore appropriate to clarify in Regulation (EU) 2017/1152 which WLTP CO_2 emission values should be attributed to this specific group of light commercial vehicles, with a view to ensuring that those values take into account the CO_2 emission values that are to be determined for this group of vehicles from 1 January 2021 in accordance with Annex VIII to Commission Regulation (EU) No 582/2011[(6)].

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(4) Regulation (EU) 2019/631 provides that the EU fleet-wide CO_2 emission targets for new light commercial vehicles for 2025 and 2030 are to be calculated on the basis of the CO_2 emissions measured in accordance with Regulation (EU) 2017/1151 for new light commercial vehicles registered in 2020 (hereinafter 'measured CO_2 emission values').

(5) Implementing Regulation (EU) 2017/1152 sets out rules about the calculation and reporting by manufacturers of those measured CO_2 emission values. It is, however, necessary to further specify how those values are to be determined, in particular, as regards Not-Off-Vehicle Charging Hybrid Electric Vehicles (NOVC-HEV) and Off-Vehicle Charging Hybrid Electric Vehicles (OVC-HEV).

(6) It should also be clarified how the measured CO_2 emission values are to be determined where several CO_2 emissions tests are performed for the purpose of type-approval.

(7) The correlation of the CO_2 emissions of NOVC-HEVs and OVC-HEVs should be performed on the basis of physical vehicle tests and not on the basis of simulations performed by the correlation tool, due to the complexity of adapting the correlation tool to take into account such vehicle technologies. In order to ensure effective verification of the correlation results, technical test data relating to those vehicles should be provided to the Commission in the same way as for conventional vehicles.

(8) Implementing Regulation (EU) 2017/1152 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2017/1152 is amended as follows:

(1) in Article 3(1), point (d) is replaced by the following:

(d) with regard to end-of-series vehicles referred to in Article 27 of Directive 2007/46/EC, and to N1 vehicles with a reference mass between 2 380 kg and 2 610 kg for which the type-approvals granted pursuant to Regulation (EC) No 595/2009, in respect of their engines, have been extended in accordance with the fourth paragraph of Article 2 of that Regulation ('HDV-derived N1 vehicles'), the measured NEDC CO_2 values, and, where available, NEDC CO_2 values.;

(2) Article 4 is amended as follows:

(a) the following paragraph 1a is added:

1a. With regard to HDV-derived N1 vehicles registered in 2020 for which CO_2 emission values have been determined in accordance with UNECE Regulation No 101 as referred to in Annex VIII to Regulation (EU) No 582/2011 in its version of 31 January 2014, the following shall apply:

(a) Where an extension of the type approval pursuant to Regulation (EC) No 595/2009 has been granted by 31 December 2020 and a WLTP CO_2 value has been determined in accordance with

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Regulation (EU) 2017/1151 in conjunction with Annex VIII to Regulation (EU) No 582/2011, that WLTP CO_2 value shall be attributed to the HDV-derived N1 vehicle registered in 2020, if the type, variant and version code of that vehicle is the same as that recorded in the type approval certificate of the type approval extension in question.

The manufacturer shall by 28 February 2021 submit the following information to the Commission with regard to each vehicle covered by this point:

(i) Vehicle identification number;

(ii) Type, variant and version code;

(iii) Type approval number, including the extension number;

(iv) A copy of the type approval certificate.

(b) Where the type approval pursuant to Regulation (EC) No 595/2009 is not extended by 31 December 2020, the following WLTP CO_2 value shall be attributed to each HDV-derived N1 vehicle concerned:

$$\mathrm{WLTP_{CO2}} = NEDC_{ind} \times \left(\frac{WLTP_{2020}}{NEDC_{2020}}\right)$$

Where,

$\mathrm{NEDC_{ind}}$	is the measured NEDC CO_2 value in 2020 of the individual vehicle;
$\mathrm{NEDC_{2020}}$	is the average specific emissions of CO_2 in 2020 of the manufacturer determined in accordance with this Regulation, calculated in accordance with the second indent of Article 4(3) of Regulation (EU) 2019/631, and without including CO_2 savings resulting from the application of Article 11 of that Regulation;
$\mathrm{WLTP_{2020}}$	is the average specific emissions of CO_2 in 2020

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of the manufacturer determined in accordance with Regulation (EU) 2017/1151 or in accordance with point (a) of this paragraph, calculated in accordance with the second indent of Article 4(3) of Regulation (EU) 2019/631, and without including CO_2 savings resulting from the application of Article 11 of that Regulation.

$NEDC_{2020}$ and $WLTP_{2020}$ shall only include those vehicles with a WLTP CO_2 value determined in accordance with Regulation (EU) 2017/1151 or with point (a) of this paragraph.

The manufacturer shall by 28 February 2021 submit to the Commission a copy of the certificate of conformity of each vehicle covered by this point.

Where the manufacturer does not provide the information and documents referred to in points (a) and (b), the WLTP CO_2 value of the vehicles concerned shall be attributed as set out in paragraph 2(a) of this Article.

(b) Paragraph 2 is amended as follows:

(i) the introductory subparagraph is replaced by the following:

With regard to end-of-series vehicles that have not been type approved in accordance with Commission Regulation (EU) 2017/1151 but are registered in 2020, the following WLTP CO_2 values shall be attributed to each registered vehicle:

(ii) the following subparagraph is added:

With regard to end-of-series vehicles registered in 2021 and 2022, the WLTP CO_2 values to be attributed to each of those vehicles shall be those determined in accordance with paragraph 1a(b) of this Article.

(3) Article 6a is amended as follows:

(a) the first subparagraph of paragraph 1 is replaced by the following:

Manufacturers shall calculate the combined, or where applicable weighted combined CO_2 emissions, determined as $M_{CO2,measured}$, for each

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light commercial vehicle registered in 2020 in accordance with the following:

(a) For pure internal combustion engine vehicles:

the equation for calculating $M_{CO2\text{-}ind}$ set out in the second subparagraph of paragraph 3.2.3.2.4. of Sub-Annex 7 to Annex XXI to Regulation (EU) 2017/1151, where the terms $M_{CO2\text{-}H}$ and $M_{CO2\text{-}L}$ shall, for the interpolation family concerned, be replaced by the values $M_{CO2,C,5}$ (combined) taken from the entries 2.5.1.1.3. (vehicle H) and 2.5.1.2.3. (vehicle L) of the EC type-approval certificate, as indicated in the model set out in Appendix 4 to Annex I to Regulation (EU) 2017/1151;

(b) For Not-Off-Vehicle Charging Hybrid Electric Vehicles (NOVC-HEV):

the equation: $M_{CO2\text{-}measured} = M_{CO2\text{-}L,C,5} + K_{ind} \times (M_{CO2\text{-}H,C,5} - M_{CO2\text{-}L,C,5})$

Where,

$M_{CO2\text{-}L,C,5}$	is the value $M_{CO2,C,5}$ (combined) for the interpolation family concerned, taken from entry 2.5.1.2.3 of the EC type-approval certificate, as indicated in the model set out in Appendix 4 to Annex I to Regulation (EU) 2017/1151;
K_{ind}	is the interpolation coefficient for the considered individual vehicle for the applicable WLTP test cycle as specified in paragraph 4.5.3 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151;
$M_{CO2\text{-}H,C,5}$	is the value $M_{CO2,C,5}$ (combined) for the interpolation family concerned, taken from entry 2.5.1.1.3 of the EC type-approval certificate, as indicated in