Regulation (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO2 emissions from and fuel consumption of new heavy-duty vehicles (Text with EEA relevance)

REGULATION (EU) 2018/956 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 28 June 2018

on the monitoring and reporting of CO_2 emissions from and fuel consumption of new heavy-duty vehicles

(Text with EEA relevance)

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 192(1) 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) A binding target of at least a 40 % domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990 was endorsed in the conclusions of the European Council of 23-24 October 2014 on the 2030 climate and energy policy framework, and this target was reconfirmed at the European Council meeting of 17-18 March 2016.

(2) The European Council conclusions of 23-24 October 2014 provided that the target has to be delivered collectively by the Union in the most cost-effective manner possible, with the reductions in the system for greenhouse gas emission allowance trading within the Union ('EU ETS') and non-ETS sectors amounting to 43 % and 30 % respectively by 2030 compared to 2005. The Paris Agreement[(3)], *inter alia*, sets out a long-term goal in line with the objective to keep the global average temperature increase well below 2 °C above pre-industrial levels and to pursue efforts to keep it to 1,5 °C above pre-industrial levels. It is necessary that all Member States participate in these efforts and that all sectors of the economy, including transport, contribute to achieving the emission reductions agreed by the European Council and to fulfilling the long-term objectives of the Paris Agreement.

(3) The Commission's 2016 European Strategy for low-emission mobility sets the ambition that, by mid-century, greenhouse gas emissions from transport will need to be at least 60 % lower than in 1990, and be firmly on the path towards zero.

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(4) In order to meet that objective, it is appropriate to consider a range of different measures. In addition to setting CO_2 emission standards for heavy-duty vehicles, namely lorries, buses and coaches, those measures could include other actions that contribute to improving the efficiency and lower the CO_2 emissions of heavy-duty vehicles, such as load optimisation, platooning, training of drivers, the use of alternative fuels, fleet renewal schemes, low-rolling resistance tyres, congestion reduction and investments in infrastructure maintenance.

(5) Greenhouse gas emissions from heavy-duty vehicles currently represent around a quarter of road transport emissions in the Union and, if no additional measures are taken, are expected to increase by 10 % between 2010 and 2030 and by 17 % between 2010 and 2050. Effective measures to curb emissions from heavy-duty vehicles need to be introduced in order to contribute to the necessary emission reductions in the transport sector.

(6) In its 2014 Communication on a Strategy for reducing Heavy-Duty Vehicles' fuel consumption and CO_2 emissions, the Commission recognised that a prerequisite to introducing such measures is a regulated procedure for the determination of CO_2 emissions and fuel consumption.

(7) Regulation (EC) No 595/2009 of the European Parliament and the Council[(4)] provides the framework for the setting up of such a regulated procedure. The measurements carried out in accordance with that procedure will provide robust and comparable CO_2 emissions and fuel consumption data for each heavy-duty vehicle in respect of a significant part of the heavy-duty vehicle fleet in the Union. The purchaser of a specific heavy-duty vehicle and the respective Member State of registration will have access to that information, partially closing the knowledge gap.

(8) Transport companies are, to a large extent, small and medium-sized enterprises. Moreover, they do not yet have access to standardised information to evaluate fuel efficiency technologies or to compare heavy-duty vehicles in order to make the best-informed purchasing decisions, thereby reducing their fuel bills, which account for more than a quarter of their operating costs.

(9) Information on a heavy-duty vehicle's performance in terms of CO_2 emissions and fuel consumption should be made publicly available to enable all vehicle operators to take well-informed purchasing decisions and to ensure a high level of transparency. All heavy-duty vehicle manufacturers will be able to compare their vehicles' performance with those of other makes. That will increase the incentives for innovation and encourage the development of more energy efficient heavy-duty vehicles, thereby increasing competitiveness. That information will also provide policy makers at Union and Member State level with a sound basis for developing policies to promote the uptake of more energy-efficient heavy-duty vehicles.

(10) In order to acquire complete knowledge on the configuration of the heavy-duty vehicle fleet in the Union, its development over time and potential impact on CO_2 emissions, it is appropriate that the competent authorities of the Member States monitor and report

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to the Commission data on the registration of all new heavy-duty vehicles and all new trailers, including data on powertrains as well as the relevant bodywork.

(11) It is therefore appropriate that heavy-duty vehicle manufacturers monitor and report to the Commission the CO_2 emissions and fuel consumption values determined for each new heavy-duty vehicle pursuant to Commission Regulation (EU) 2017/2400[(5)].

(12) The availability of data on CO_2 emissions and fuel consumption for the different heavy-duty vehicle categories depends on when the categories will be covered by Regulation (EU) 2017/2400. In order to provide clarity and legal certainty concerning monitoring and reporting obligations for manufacturers, this Regulation should set out the starting years for monitoring and reporting for each heavy-duty vehicle category falling within its scope. Pursuant to Regulation (EU) 2017/2400, data will be available for certain new heavy-duty vehicles that are registered in 2019. Starting from that year, manufacturers should be required to monitor and report the technical data relating to those vehicles. For other heavy-duty vehicle categories and heavy-duty vehicle groups the data will only become available from a later date. A reasonable timeframe should be set for determining the starting years for the monitoring and reporting of data for those vehicle categories and vehicle groups. Given the technical complexity of developing the procedures for determining the CO_2 emissions and fuel consumption of the remaining heavy-duty vehicle categories and heavy-duty vehicle groups, the timeframe should be set at seven years from the date of entry into force of this Regulation.

(13) It is in the public interest that technical data essential for determining the CO_2 emissions and fuel consumption performance of a heavy-duty vehicle be actively disseminated to the public to increase the transparency of the heavy-duty vehicle specifications and the related performance, and to foster competition among manufacturers. Data that are sensitive on the grounds of personal data protection and fair competition should not be published. Certain data related to the aerodynamic performance of heavy-duty vehicles should be made available to the public in a range format in order to take account of considerations of fair competition. The data reported should be made available to the public in an easily accessible manner and free of charge. This Regulation is without prejudice to the further rights of public access to environmental information, *inter alia*, in accordance with Regulation (EC) No 1367/2006 of the European Parliament and of the Council[(6)].

(14) It is important that the monitoring and reporting system be user friendly for all transport operators regardless of their size and resources. Likewise, it is important that the Commission actively promote such a system in order to ensure that it has a meaningful impact on the sector and to raise awareness on the availability of the reported data.

(15) The Commission's analysis of the data transmitted by Member States and manufacturers for the preceding calendar year should be presented to the public in a way to show clearly the performance of the heavy-duty vehicle fleet of the Union and of each Member State as well as that of each manufacturer. It should allow comparability within and between fleets in terms of the average fuel consumption and CO_2 emissions for each heavy-duty vehicle group by mission profile.

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(16) It is essential that the CO_2 emission and fuel consumption values determined pursuant to Regulation (EU) 2017/2400 correctly reflect the performance of heavy-duty vehicles. That Regulation therefore sets out provisions for verifying and ensuring the conformity of the simulation tool operation as well as of the CO_2 emissions and fuel consumption related properties of the relevant components, separate technical units and systems. That verification procedure should include on-road testing. The new type approval framework as set out in Regulation (EU) 2018/858 of the European Parliament and of the Council[(7)] provides the means for ensuring that, in the case of deviations, remedial measures are taken by the manufacturer, and that in the case of non-compliance, the Commission is able to impose administrative fines. That new framework also acknowledges the importance of third parties being allowed to perform independent testing of vehicles and having access to necessary data. The Commission should monitor the results of such verification tests and should include an analysis of those results in its annual report.

(17) It is important to ensure that the data monitored and reported be robust and reliable. The Commission should therefore have the means to verify and, where necessary, correct the final data. The monitoring requirements should therefore also provide for parameters that allow the data to be adequately traced and verified.

(18) The Commission should have the possibility to impose an administrative fine where it finds that the data reported by the manufacturer deviates from the data recorded in the framework of Regulation (EC) No 595/2009 and, in particular, in accordance with Commission Regulation (EU) No 582/2011[(8)] and Regulation (EU) 2017/2400 or where the manufacturer fails to deliver the required data within the applicable deadline. Those fines should be effective, proportionate and dissuasive.

(19) Based on the experience gained from the monitoring and reporting of data on CO_2 emissions pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council[(9)] for new passenger cars and to Regulation (EU) No 510/2011 of the European Parliament and of the Council[(10)] for new light commercial vehicles, it is appropriate to confer on the European Environment Agency the responsibility for the exchange of such data with the competent authorities of the Member States and manufacturers, as well as for the management of the final database on behalf of the Commission. It is also appropriate to align as far as possible the monitoring and reporting procedures for heavy-duty vehicles with those already existing for light-duty vehicles.

(20) In order to ensure uniform conditions for the implementation of the provisions of this Regulation on the verification and correction of the monitored data, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(11)].

(21) In order to ensure that the data requirements and the monitoring and reporting procedure remain relevant over time for assessing the heavy-duty vehicle fleet's contribution to CO_2 emissions, to ensure the availability of data on new and advanced CO_2 reducing technologies and on the results of on-road verification tests and to ensure that the air

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drag value ranges remain relevant for information and comparability purposes, as well as to supplement the provisions on administrative fines, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of completing the starting years for the monitoring and reporting of the heavy-duty vehicle categories covered, of amending the data requirements and the monitoring and reporting procedure laid down in the Annexes to this Regulation, of specifying the data to be reported by the Member States for the monitoring of the results of on-road verification tests, of amending the air drag value ranges, and of defining the criteria, the calculation and the method of collection of administrative fines imposed on manufacturers. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[(12)]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(22) Since the objective of this Regulation, namely the monitoring and reporting of CO_2 emissions and fuel consumption from new heavy-duty vehicles in the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the requirements for the monitoring and reporting of CO_2 emissions from and fuel consumption of new heavy-duty vehicles registered in the Union.

Article 2

Scope

This Regulation applies to the monitoring and reporting by Member States and manufacturers of heavy-duty vehicles of data on new heavy-duty vehicles.

It applies with regard to the following vehicle categories:

(a) vehicles of categories M_1, M_2, N_1 and N_2 with a reference mass that exceeds 2 610 kg and which do not fall within the scope of Regulation (EC) No 715/2007 of the European Parliament and of the Council[(13)], and all vehicles of categories M_3 and N_3;