Commission Implementing Regulation (EU) 2017/1153 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure and amending Regulation (EU) No 1014/2010 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1153

of 2 June 2017

setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure and amending Regulation (EU) No 1014/2010

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community'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 first subparagraph of Article 13(7) thereof,

Whereas:

(1) A new regulatory test procedure for measuring CO_2 emissions and fuel consumption from light-duty vehicles, the World Harmonised Light Vehicles Test Procedure (WLTP), set out in Commission Regulation (EU) 2017/1151[(2)], will replace the New European Test Cycle (NEDC), which is currently used pursuant to Commission Regulation (EC) No 692/2008[(3)], with effect starting from 1 September 2017. The WLTP is expected to provide CO_2 emission and fuel consumption values that are more representative of real driving conditions.

(2) In order to take into account the difference in the level of CO_2 emissions measured under the existing NEDC and the new WLTP procedures, a methodology for correlating those values should be provided to allow the determination of the manufacturers' compliance with their specific CO_2 emission targets pursuant to Regulation (EC) No 443/2009.

(3) The WLTP is to be phased in, starting with new vehicle types from 1 September 2017 and all vehicles from 1 September 2018. From 1 September 2019, when also end-of-series vehicles have been phased out, all new vehicles placed on the Union market will be tested in accordance with the WLTP. It is appropriate to continue to verify compliance with the specific emission targets using NEDC-based CO_2 emission values during this period.

(4) It is however desirable to limit the testing burden for both manufacturers and type-approval authorities and the possibility to determine the reference NEDC CO_2 emission

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values by way of simulations should therefore be provided. A specific vehicle simulation tool (the correlation tool) has been developed for that purpose. The input data for the correlation tool should not require additional tests but be derived from the WLTP type-approval tests.

(5) The stringency of the CO_2 reduction requirements following the change to WLTP must, in accordance with the second subparagraph of Article 13(7) to Regulation (EC) No 443/2009, remain comparable for manufacturers and vehicles of different utility to that defined in Regulation (EC) No 443/2009 by reference to the CO_2 emission levels determined in accordance with the NEDC procedure. The correlation procedure should therefore take into account those NEDC test conditions which are explicitly required for granting a type-approval.

(6) There may be advanced vehicle technologies or specific technology configurations for which the correlation tool might not be able to deliver NEDC CO_2 values with sufficient accuracy. In those cases, the manufacturer should have the possibility to perform a physical vehicle test instead. In order to ensure a level playing field, the same NEDC test conditions that have been defined for the correlation tool should apply for those tests.

(7) Regulation (EC) No 443/2009 provides a number of modalities which may be applied to facilitate achieving the specific emission targets. In order to ensure comparable stringency, it is necessary to make certain adjustments to the calculation of the super-credits specified in Article 5a of Regulation (EC) No 443/2009 and to the eco-innovation savings referred to in Article 12 of that Regulation. However, the framework conditions for those modalities are considered not to be directly dependent on the applicable test procedure, and, should, as a consequence, be maintained without adjustments, including the caps set for both super-credits and eco-innovation savings.

(8) It is important to ensure that procedural tolerances and correlation tool outputs are applied as intended and not as a means to artificially lower the CO_2 emission values used for target compliance purposes. Therefore, a limited number of random physical tests should be performed with a view to verifying that the input data and the NEDC reference values based on the correlation tool output are correctly determined. If it is found, as a result of a random test, that a manufacturer has declared an NEDC CO_2 value for the purpose of the type-approval that is lower than the tolerance permitted in the measurement result or if incorrect input data has been provided, it should be possible for the Commission to determine and apply a correction factor to increase the average specific emissions of a manufacturer. This should also act as a disincentive for any abuse or overexploitations of measurement tolerances.

(9) The monitoring of CO_2 emission values is set out in Commission Regulation (EU) No 1014/2010[(4)] and these provisions also needs to be adjusted to the new test procedure. With the WLTP, a specific CO_2 emission value will be calculated and recorded in the certificate of conformity of each individual vehicle. In order to effectively monitor and verify those values, it is necessary to use vehicle identification numbers as a basis for the monitoring.

(10) In view of the required extensive adaptations of vehicle registration and CO_2 monitoring systems, it is appropriate to provide Member States with the possibility to gradually

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introduce the new monitoring parameters in 2017 and require the complete new dataset from 2018 only. The 2017 data to be reported should include as a minimum the data required for target compliance purposes and for preventing abuse of the correlation procedure.

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

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation provides for:

(a) a methodology for the correlation of the CO_2 emissions measured in accordance with Annex XXI to Regulation (EU) 2017/1151 with those determined in accordance with Annex XII to Regulation (EC) No 692/2008;

(b) a procedure for applying the methodology referred to in point (a) for the purpose of determining each manufacturer's average specific emissions of CO_2;

(c) the amendments to Regulation (EU) No 1014/2010 required for the purpose of adapting the monitoring of CO_2 emissions data to reflect the change in emission values.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(1) 'NEDC CO_2 values' means the CO_2 emissions determined in accordance with Annex I and entered into the certificates of conformity;

(2) 'Measured NEDC CO_2 values' means the CO_2 emissions (phases and combined) determined in accordance with Annex XII to Regulation (EC) No 692/2008 by way of physical vehicle tests;

(3) 'WLTP CO_2 values' means the CO_2 emissions (combined) determined in accordance with the test procedure set out in Annex XXI to Regulation (EU) 2017/1151;

(4) 'WLTP interpolation family' means the interpolation family as determined in accordance with point 5.6 of Annex XXI to Regulation (EU) 2017/1151;

(5) 'Correlation tool' means the simulation model referred to in point 2 of Annex I.

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Article 3

Determination of average specific emissions of CO_2 for target compliance purpose in the period 2017 to 2020

1 For the calendar years 2017 to 2020 inclusive, the average specific emissions of a manufacturer shall be determined using the following CO_2 mass emissions (combined) values:

a with regard to M1 passenger cars type-approved in accordance with Annex XXI to Regulation (EU) 2017/1151, the NEDC CO_2 values;

b with regard to existing types of M1 passenger cars that have been type-approved in accordance with Annex XII to Regulation (EC) No 692/2008, the measured NEDC CO_2 values for the calendar year 2017 until 31 August 2018 and the NEDC CO_2 values from 1 September 2018 to 31 December 2020;

c with regard to end-of-series vehicles referred to in Article 27 of Directive 2007/46/EC of the European Parliament and of the Council[(5)], the measured NEDC CO_2 values.

2 Manufacturers responsible for more than 1 000 but fewer than 10 000 new passenger cars registered in the Union in each of the calendar years 2017 to 2020 inclusive may use either the NEDC CO_2 values or the measured NEDC CO_2 values.

Article 4

Determination of average specific emissions based on WLTP CO_2 values

1 The WLTP CO_2 emissions (combined) or, where applicable, (weighted combined) specified in entry 49.4 of the certificate of conformity shall be monitored for all new registered vehicles starting from 1 January 2018.

2 For each manufacturer, the average specific emissions based on WLTP CO_2 values shall be determined starting from 1 January 2018.

With effect from 1 January 2021, those average specific emissions shall be used to determine the manufacturer's compliance with its specific emission target.

Article 5

Application of Article 5a of Regulation (EC) No 443/2009 — super-credits

Where the measured NEDC CO_2 value of a new passenger car is less than 50 g CO_2/km, the manufacturer shall, for the purpose of the application of Article 5a of Regulation (EC) No 443/2009, record that value in the certificate of conformity of the vehicles concerned until 31 December 2022.

With effect from 1 January 2021:

(a) the specific emissions of those vehicles shall be calculated in accordance with Article 5a of that Regulation, using the WLTP CO_2 values of those vehicles;

(b) the 7,5 g CO_2/km cap provided for in Article 5a of that Regulation shall be taken into account as follows:

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$$Cap_{n,r} = \left(\frac{7,5 - SC_{n2020}}{7,5}\right)$$

$$Cap_{w} = Cap_{n,r} \cdot \left(\frac{SC_{w2020} \times 7,5}{SC_{n2020}}\right)$$

Where:

$Cap_{n,r}$	is the proportion of the remaining cap on NEDC in 2020;
SC_{n2020}	is the super-credit savings on NEDC in 2020;
SC_{w2020}	is the super-credit savings on WLTP in 2020;
Cap_{w}	is the remaining super-credit savings cap to be taken into account for the calculation of the average specific emissions in 2021 and 2022.

Article 6

Application of Article 12 of Regulation (EC) No 443/2009 — eco-innovations

1 With effect from 1 January 2021, only CO_2 savings due to eco-innovations, within the meaning of Article 12 of Regulation (EC) No 443/2009, that are not covered by the test procedure set out in Annex XXI to Regulation (EU) 2017/1151, shall be taken into account for the calculation of the average specific emissions of a manufacturer.

2 A manufacturer's total eco-innovation CO_2 savings in the following calendar years shall be adjusted as follows:

(a) in 2021 : $\text{EI savings}_{\text{adjusted 2021}} = \text{WLTP}_{\text{EI savings 2021}} \cdot 1,9$

(b) in 2022 : $\text{EI savings}_{\text{adjusted 2022}} = \text{WLTP}_{\text{EI savings 2022}} \cdot 1,7$

(c) in 2023 : $\text{EI savings}_{\text{adjusted 2023}} = \text{WLTP}_{\text{EI savings 2023}} \cdot 1,5$

Where:

$\text{EI savings}_{\text{adjusted 20xx}}$	are the eco-innovation savings in the relevant year to be taken into account for the calculation of the average specific emissions;
$\text{WLTP}_{\text{EI savings 20xx}}$	are the eco-innovation savings in the relevant year determined in relation to the WLTP and recorded in the certificate of conformity.

From calendar year 2024 eco-innovation savings shall be taken into account for the calculation of the specific average emissions without adjustment.

Article 7

Determination and correction of NEDC CO_2 values for the calculation of the specific average emissions

1 Starting from the calendar year 2017 until 2020 inclusive, the average specific CO_2 emissions of a manufacturer shall be calculated using the NEDC CO_2 values determined in accordance with the procedure laid down in Section 4 of Annex I, unless paragraph (1)(b) or (c) or paragraph (2) of Article 3 applies.

2 Where for a WLTP interpolation family the deviation factor De, determined in accordance with point 3.2.8 of Annex I, exceeds the value 0,04, or in the presence of a verification factor '1' as determined in that point, the average specific NEDC CO_2 emissions of