Commission Implementing Regulation (EU) 2017/1152 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure with regard to light commercial vehicles and amending Implementing Regulation (EU) No 293/2012 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1152

of 2 June 2017

setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure with regard to light commercial vehicles and amending Implementing Regulation (EU) No 293/2012

(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) A new regulatory test procedure for measuring CO_2 emissions and fuel consumption from light duty vehicles, the Worldwide 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 (EU) No 510/2011.

(3) For light commercial vehicles, the WLTP is to be gradually applied in two separate steps, starting with new N1 class I vehicle types from 1 September 2017 and all new N1 class I vehicles from 1 September 2018. The WLTP will be implemented 1 year later for category N1 class II and III, i.e. for new vehicle types from 1 September 2018 and for all new vehicles from 1 September 2019. End-of-series vehicles as defined in point (22) of Article 3 of Directive 2007/46/EC of the European Parliament and of the Council[(4)] belonging to the latter category N1 class II and III may however remain on the market until 28 February 2021 at the latest in accordance with Article 27 of Directive 2007/46/EC.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2017/1152. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) While it is appropriate to continue verifying compliance with specific emission targets using NEDC based CO_2 emission values during the separate steps of gradual application of the WLTP, it is also desirable to ensure that the change to WLTP based targets takes place at the same time for all light duty vehicles. As a consequence, it is necessary to take into account the end-of-series vehicles that will remain on the market until 2021 and attribute a default WLTP CO_2 emissions value to those vehicles. That default value should be defined so that it does not affect negatively the manufacturer's ability to comply with its specific emission target in 2021.

(5) Consideration should also be given to the specific situation of manufacturers of incomplete vehicles as defined in Article 3(19) of Directive 2007/46/EC which are type approved in multiple stages. For the purposes of the correlation, it is appropriate to attribute a single correlated NEDC CO_2 emissions value to incomplete vehicles belonging to the same road load matrix family as defined in point 5.2 of Sub-Annex 4 to Annex XXI to Regulation (EU) 2017/1151.

(6) Moreover, manufacturers should be allowed, in the case of N1 vehicles with a technically permissible maximum laden mass of 3 000 kg or more to have the choice to either derive NEDC road load coefficients from the WLTP tests or to use the tabulated values set out in Table 3 of Annex 4(a) to Regulation UN/ECE No 83[(5)].

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

(8) The stringency of the CO_2 reduction requirements following the change to WLTP must, in accordance with the fourth subparagraph of Article 13(6) to Regulation (EU) No 510/2011, remain comparable for manufacturers and vehicles of different utility to that defined in Regulation (EU) No 510/2011 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.

(9) 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.

(10) In order to ensure comparable stringency, it is necessary to make certain adjustments to the calculation of the eco-innovation savings referred to in Article 12 of Regulation (EU) No 510/2011. However, the framework conditions for that modality are considered not to be directly dependent on the applicable test procedure, and, should, as a consequence, be maintained without adjustments, including the cap set for the eco-innovation savings.

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(11) 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.

(12) The monitoring of CO_2 emission values is regulated in Commission Implementing Regulation (EU) No 293/2012[(6)]. The provisions of that Implementing Regulation need to be adjusted to the new test procedure. It is also appropriate to align the monitoring provisions for light commercial vehicles with the monitoring provisions for passenger cars set out in Commission Regulation (EU) No 1014/2010[(7)]. With the WLTP, a specific CO_2 emission value will be calculated and recorded in the certificate of conformity of each individual vehicle and those values should be monitored in addition to already existing data parameters. Therefore, Implementing Regulation (EU) No 293/2012 should be amended accordingly.

(13) 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 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.

(14) 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 Implementing Regulation (EU) No 293/2012 required for the purpose of adapting the monitoring of CO_2 emissions data to reflect the change in emission values.

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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 vehicle family' means a vehicle family as determined in accordance with point 5.0 of Annex XXI to Regulation (EU) 2017/1151;

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

Article 3

Determination of average specific emissions of CO_2 for target compliance purposes 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 N1 light commercial vehicles type approved in accordance with Annex XXI to Regulation (EU) 2017/1151, the NEDC CO_2 values;

b with regard to existing types of N1 class I vehicles that have been type approved in accordance with Annex XII to Regulation (EC) No 692/2008, the measured NEDC CO_2 values until 31 August 2018 and the NEDC CO_2 values from 1 September 2018 to 31 December 2020;

c with regard to existing types of N1 class II and III vehicles that have been type approved in accordance with Annex XII to Regulation (EC) No 692/2008, the measured NEDC CO_2 values until 31 August 2019 and the NEDC CO_2 values from 1 September 2019 to 31 December 2020;

[[F1]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 Manufacturers responsible for more than 1 000 but fewer than 22 000 new light commercial vehicles 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.

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Textual Amendments

F1 Substituted by 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).

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.

[F2 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 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,

$NEDC_{ind}$	is the measured NEDC CO_2 value in 2020 of the individual vehicle;
$NEDC_{2020}$	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,