Commission Implementing Regulation (EU) 2017/656 of 19 December 2016 laying down the administrative requirements relating to emission limits and type-approval of internal combustion engines for non-road mobile machinery in accordance with Regulation (EU) 2016/1628 of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/656

of 19 December 2016

laying down the administrative requirements relating to emission limits and type-approval of internal combustion engines for non-road mobile machinery in accordance with Regulation (EU) 2016/1628 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013 and amending and repealing Directive 97/68/EC[1], and in particular Articles 18(5), 21(3), 22(7), 23(5), 24(12), 31(5), 32(3), 37(5) and 44(5) thereof,

Whereas:

(1) In the interest of clarity, predictability, rationality and simplification and in order to reduce the burden on manufacturers, and taking into account the current practice, it is necessary to further simplify and standardise the documents used for type-approval procedures.

(2) In the interest of rationality and simplification and in order to reduce the burden on manufacturers, certain information documents submitted and test reports drafted in accordance with Directive 97/68/EC should be accepted for the type-approval procedures under Regulation (EU) 2016/1628.

(3) The structure of the information document should be streamlined and simplified in order to avoid that the same information is repeated and to adapt it to the most common electronic format used by manufacturers and technical services.

(4) For the purposes of comprehensiveness and completeness, the information document and the single format of the test reports should include information on those engine categories or fuel types which are new in the legislation on type-approval of engines for non-road mobile machinery.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/656. (See end of Document for details)*

(5) In order to enhance the market surveillance activities, a new template for the statement of conformity should be established to clearly identify those engines placed on the market which are subject to certain exemptions or transitional provisions.

(6) For the purposes of clarity and easing access to relevant data, the template of the EU type-approval certificate should contain an addendum containing the most relevant information related with the type-approved engine type or engine family.

(7) The numbering system of the type-approval certificate should be revised in order to clearly identify each engine category and subcategory, as well as the fuel type, by a short alpha-numeric code in the interest of clarity and rationality.

(8) For the purposes of clarity and completeness, the format of the list of engines produced should be adapted to the new designation of engine types and engine families and provide for all the information required by Article 37(1) of Regulation (EU) 2016/1628.

(9) The data structure for the exchange of data by means of Internal Market Information System (IMI) should be limited to a basic outline in order to provide a certain level of freedom to the designers of the IT system and avoid the administrative burden of amending recurrently Annex VIII, as it would be necessary in the case of an excessively detailed structure.

(10) The technical requirements and procedures for the interconnection of IMI with existing national databases should be limited to a basic outline in order to provide a certain level of freedom to the designers of the IT system and avoid the administrative burden of amending recurrently this Regulation, as it would be necessary in the case of setting out excessively detailed interconnection requirements which would not fit with the particular needs of each Member State.

(11) For the purposes of clarity and simplification it is necessary to establish a harmonised system for the designation of engine types, engine families and engine types within the family.

(12) In order to address their possible misuse, it is necessary to provide for detailed provisions on prevention of tampering with the engines.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

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

(1) ‘adjustable parameter’ means any device, system, or element of design that someone can adjust (including those which are difficult to access) and that, if adjusted, may affect emissions or engine performance during emissions testing or normal in-use

operation. This includes, but is not limited to, parameters related to injection timing and fuelling rate;

(2) 'wall-flow particulate after-treatment system' means a particulate after-treatment system in which all the exhaust gas is forced to flow through a wall which filters out the solid matter.

Article 2

Templates for information folder and information document

1 Manufacturers shall use the templates set out in Annex I to this Regulation when providing information folders and information documents in accordance with Article 21 of Regulation (EU) 2016/1628.

2 Existing information documents for engines of category RLL issued under Directive 97/68/EC or the information document of an equivalent type approval referred to in Annex XII to Directive 97/68/EC of the European Parliament and of the Council[(2)] may be submitted for the purposes of type-approval under Regulation (EU) No 2016/1628.

3 Existing information documents for Special Purpose Engines (SPE) issued under Directive 97/68/EC or the information document of an equivalent type approval referenced in Annex XII to Directive 97/68/EC may be submitted for the purposes of type-approval under Regulation (EU) 2016/1628.

4 Existing information documents for engines of category NRSh issued under Directive 97/68/EC or the information document of an equivalent type approval referred to in Annex XII to Directive 97/68/EC may be submitted for the purposes of type-approval under Regulation (EU) 2016/1628.

Article 3

Templates for statements of conformity

Manufacturers shall use the templates set out in Annex II to this Regulation when delivering statements of conformity in accordance with Article 31 of Regulation (EU) 2016/1628.

Article 4

Templates for the marking of engines

Manufacturers shall use the templates set out in Annex III to this Regulation when affixing markings to an engine in accordance with Article 32 of Regulation (EU) 2016/1628.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/656. (See end of Document for details)*

Article 5

Templates for the EU type-approval certificate

Approval authorities shall use the template set out in Annex IV to this Regulation when issuing the EU type-approval certificates in accordance with Article 23 of Regulation (EU) 2016/1628.

Article 6

Numbering system of the EU type-approval certificate

Approval authorities shall use the harmonised numbering system set out in Annex V to this Regulation when numbering EU type-approval certificates in accordance with Article 22 of Regulation (EU) 2016/1628.

Article 7

The single format of the test report

1 Technical services shall use the single format set out in Annex VI to this Regulation when drawing up the test reports referred to in Article 6(3)(g) and Articles 22(6) and 23(3)(a)of Regulation (EU) 2016/1628.

2 Existing test reports for engines of category RLL issued under Directive 97/68/EC may be submitted for the purposes of type-approval under Regulation (EU) 2016/1628 under the condition that neither the substantive requirements nor the requirements regarding the test procedures have changed since the execution of the test. The difference between the per cent load and power and between the weighting factor for the mode number (mode no) of the test cycle given in section 3.7.1.4 of Annex III to Directive 97/68/EC and the corresponding mode number for test cycle F in Appendix 1 to Annex XVII of Commission Delegated Regulation (EU) 2017/654[(3)] shall not be considered substantive for this purpose.

3 Existing test reports for engines meeting the Special Purpose engine (SPE) emission limit values issued under Directive 97/68/EC or the test report of an equivalent type approval referred to in Annex XII to Directive 97/68/EC may be submitted for the purposes of type-approval under Regulation (EU) 2016/1628 under the condition that neither the substantive requirements nor the requirements regarding the test procedures have changed since the execution of the test.

4 Existing test reports for engines meeting the NRSh emission limit values issued under Directive 97/68/EC may be submitted for the purposes of type-approval under Regulation (EU) 2016/1628 under the condition that neither the substantive requirements nor the requirements regarding the test procedures have changed since the execution of the test.

Article 8

Format for the list of engines referred to in Article 37(1) of Regulation 2016/1628

Manufacturers shall use the format set out in Annex VII to this Regulation when submitting the list of engines in accordance with Article 37(1) of Regulation 2016/1628.

Article 9

Templates and data structure for the exchange of data by means of IMI

Approval authorities shall use the templates and data structure set out in Annex VIII to this Regulation for the exchange of data by means of Internal Market Information System (IMI) in accordance with Article 22(5) of Regulation (EU) 2016/1628.

Article 10

Technical requirements and procedures for the interconnection of IMI with existing national databases

1 For the purposes of Article 44(3)(c) of Regulation (EU) 2016/1628, IMI shall offer a web-service for the transfer of data related to applications for EU type-approvals from existing national databases to IMI.

2 For the purposes of Article 44(3)(c) of Regulation (EU) 2016/1628, IMI shall offer a web-service for the transfer of data related to EU type-approvals that are granted, extended, withdrawn or refused from IMI to existing national databases.

The first paragraph shall apply only where the Member State concerned has agreed to transfer of such data using web-service of IMI.

Article 11

Parameters for the definition of engine types and engine families, and their operation modes

For the purposes of paragraphs 1, 2 and 3 of Article 18 of Regulation (EU) 2016/1628, manufacturers shall use the parameters laid down in Annex IX to this Regulation when defining engine types and engine families, and their operation modes.

Article 12

Technical details for prevention of tampering

For the purposes of Article 18(4) of Regulation (EU) 2016/1628, manufacturers shall apply the technical details laid down in Annex X to this Regulation for the prevention of tampering.

I[F1 Article 12a

Transitional provisions

1 Notwithstanding the application of the provisions of this Regulation, as amended by Commission Implementing Regulation (EU) 2018/988[(4)], approval authorities shall, until 31 December 2018, also continue to grant EU type-approvals to engine types or engine families in accordance with this Regulation, in its version applicable on 6 August 2018.