Commission Delegated Regulation (EU) 2016/1824 of 14 July 2016 amending Delegated Regulation (EU) No 3/2014, Delegated Regulation (EU) No 44/2014 and Delegated Regulation (EU) No 134/2014 with regard, respectively, to vehicle functional safety requirements, to vehicle construction and general requirements and to environmental and propulsion unit performance requirements (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2016/1824

of 14 July 2016

amending Delegated Regulation (EU) No 3/2014, Delegated Regulation (EU) No 44/2014 and Delegated Regulation (EU) No 134/2014 with regard, respectively, to vehicle functional safety requirements, to vehicle construction and general requirements and to environmental and propulsion unit performance requirements

(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 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles[(1)], and in particular Articles 18(3), 20(2), 21(5), 22(5), 23(12), 24(3), 25(8) and 54(3) thereof,

Whereas:

(1) The Commission has kept track of issues encountered and pointed out by approval authorities and stakeholders in Regulation (EU) No 168/2013, as well as Commission Delegated Regulation (EU) No 3/2014[(2)], Commission Delegated Regulation (EU) No 44/2014[(3)] and Commission Delegated Regulation (EU) No 134/2014[(4)] supplementing Regulation (EU) No 168/2013; in order to ensure accurate application of those Regulations, some of the issues identified should be addressed by way of amendments.

(2) In order to ensure consistency and effectiveness of the EU type-approval system for L-category vehicles, it is necessary to continuously improve the technical requirements and test procedures set out in those delegated acts and adapt them to technical progress. It is also necessary improve the clarity of those delegated acts.

(3) The following amendments to Delegated Regulation (EU) No 3/2014 with regard to technical requirements and test procedures in the area of vehicle functional safety should be included in the Annexes to that Delegated Regulation with a view to improving its consistency and clarity: the list set out in Annex I to Delegated Regulation (EU) No 3/2014 containing the applicable UNECE regulations should be updated and its Annex XV on tyre installation should be further clarified by adding the provisions on the manufacturer declaration with respect to the permissibility of the ‘category of use’ with checks performed accordingly. Further clarifications should be added to Annex

XVII to Delegated Regulation (EU) No 3/2014 regarding interior fittings, to its Annex XVIII with regard to maximum power limitation and to its Annex XIX with respect to structural integrity requirements, in particular those for powered cycles in the scope of Regulation (EU) No 168/2013.

(4) For the purposes of completeness and accuracy, it is appropriate that the list of UNECE regulations that apply on a compulsory basis set-out in Annex I to Delegated Regulation (EU) No 3/2014 includes UNECE Regulations Nos 1, 3, 6, 7, 8, 16, 19, 20, 28, 37, 38, 39, 43, 46, 50, 53, 56, 57, 60, 72, 74, 75, 78, 81, 82, 87, 90, 98, 99, 112 and 113.

(5) The following amendments to Delegated Regulation (EU) No 44/2014 should be made in order to improve consistency and accuracy: Annex I to Delegated Regulation (EU) No 44/2014 contains a list of applicable UNECE regulations, which should be updated; Annex II to Regulation (EU) No 44/2014 should be supplemented with respect to marking requirements for parts, equipment and components for the purposes of identification and prevention of tampering; Annex III to that Delegated Regulation should be amended to provide clarifications on the requirements concerning the conversion of vehicles of subcategories L3e/L4e-A2 into A3 motorcycles and vice versa; certain amendments should be made in Annex XI to Delegated Regulation (EU) No 44/2014 on masses and dimensions, in particular relating to the ground clearance definition of subcategories L3e-AxE (Enduro motorcycle) and L3e-AxT (Trial motorcycle); Annex XII to Delegated Regulation (EU) No 44/2014 should be amended as regards the standardised on-board diagnostics connection interface; and certain clarifications should be made in Annex XVI to the same Delegated Regulation on stands for these motorcycle subcategories.

(6) On-board diagnostics (‘OBD’) is essential for effective and efficient repair and maintenance of vehicles. Accurate diagnostics allow the repairer to identify fast which smallest exchangeable unit has to be repaired or replaced. In order to address the rapid technical developments in the area of propulsion control systems it is appropriate to review the list of devices monitored for electric circuit malfunctions in 2017. By 31 December 2018, it should be established whether additional devices and malfunctions should be added to the list set out in Appendix 2 to Annex XII to Delegated Regulation (EU) No 44/2014 provide sufficient time to the Member States, vehicle manufacturers, their suppliers and the repair industry to adapt before the entry into force of OBD stage II. PID $1C on the applicable on-board diagnostic system may be programmed to $00 or $FF as long as its value has not been standardised for L-category vehicles. For the purposes of consistency and completeness, as the publication date of the revised standard ISO 15031-5:20xx containing such a standardised value dedicated to L-category vehicles, this standardised value should be programmed as response to the PID $1C request of a generic scan tool.

(7) For the purposes of completeness and consistency, certain equations should be adapted in Annexes II and V to Delegated Regulation (EU) No 134/2014; in Annex VI to that Delegated Regulation regarding the durability of pollution control devices, the classification criteria of the SRC-LeCV distance accumulation cycle should be adapted to technical progress; finally, Annex IX to Delegated Regulation (EU) No 134/2014

should be amended to take into account some of the anti-tampering provisions set out in UNECE Regulations Nos 9, 41, 63 and 92 in the area of sound approval, in particular for multi-mode sound systems.

(8) One of the measures against excessive hydrocarbon emissions from L-category vehicles is to limit the evaporative emissions to the hydrocarbon mass limits laid down in Annex VI(C) to Regulation (EU) No 168/2013. For this purpose, a type IV test has to be conducted at type-approval in order to measure the evaporative emissions of a vehicle. One of the requirements of the type IV Sealed House evaporative Emission Determination (SHED) test is to fit either a rapidly aged carbon canister or alternatively to apply an additive deterioration factor when fitting a degreened carbon canister. It will be investigated in the environmental effect study referred to in Article 23(4) of Regulation (EU) No 168/2013 whether or not it is cost beneficial to maintain this deterioration factor as alternative to fitting a representative and rapidly aged carbon canister. If the result of the study demonstrates that this method is not cost-beneficial a proposal will follow in due course to delete this alternative and should become applicable beyond the Euro 5 step.

(9) A standardised method for measuring vehicles' energy efficiency (fuel or energy consumption, carbon dioxide emissions as well as electric range) is necessary to ensure that no technical barriers to trade arise between Member States and also to ensure that customers and users are supplied with objective and precise information. Until a harmonised test procedure is agreed upon for category L1e vehicles designed to pedal, referred to in Annex I to Regulation (EU) No 168/2013 and in point 1.1.2 of Annex XIX to Delegated Regulation (EU) No 3/2014, those category L1e vehicles should be exempted from the electric range test.

(10) Delegated Regulation (EU) No 3/2014, Delegated Regulation (EU) No 44/2014 and Delegated Regulation (EU) No 134/2014 should therefore be amended accordingly.

(11) Given that Regulation (EU) No 168/2013, Delegated Regulation (EU) No 3/2014, Delegated Regulation (EU) No 44/2014 and Delegated Regulation (EU) No 134/2014 are already applicable and that the amendments to those acts include number of corrections, this Regulation should enter into force as soon as possible,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) No 3/2014 is amended as follows:

(1) in Article 3(2), ‘Manufacturers’ is replaced by ‘Manufacturers of parts and equipment’;

(2) the Annexes are amended in accordance with Annex I to this Regulation.

Article 2

Delegated Regulation (EU) No 44/2014 is amended as follows:

(1) **[**[x1]in Article 3(3), ‘Manufacturers’ is replaced by ‘Manufacturers of parts and equipment’;**]**

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2016/1824. (See end of Document for details)*

(2) the Annexes are amended in accordance with Annex II to this Regulation.

Editorial Information

X1 Substituted by Corrigendum to Commission Delegated Regulation (EU) 2016/1824 of 14 July 2016 amending Delegated Regulation (EU) No 3/2014, Delegated Regulation (EU) No 44/2014 and Delegated Regulation (EU) No 134/2014 with regard, respectively, to vehicle functional safety requirements, to vehicle construction and general requirements and to environmental and propulsion unit performance requirements (Official Journal of the European Union L 279 of 15 October 2016).

Article 3

Delegated Regulation (EU) No 134/2014 is amended as follows:

(1) Article 2 is amended as follows

(a) in point (16), ‘ehaust’ is replaced by ‘exhaust’;

(b) point (42) is replaced by the following:

(42) “maximum thirty minutes speed” of a vehicle means the maximum achievable vehicle speed measured during 30 minutes as a result of the 30 minute power set out in UNECE regulation No 85[(5)];;

(2) in Article 3(4), ‘manufacturer’ is replaced by ‘manufacturer of parts and equipment’;

(3) the Annexes are amended in accordance with Annex III to this Regulation.

Article 4

This Regulation shall enter into force on the first day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2016/1824. (See end of Document for details)*

ANNEX I

Amendments to Delegated Regulation (EU) No 3/2014

The Annexes to Delegated Regulation (EU) No 3/2014 are amended as follows:

(1) Annex I is replaced by the following:

ANNEX I

List of UNECE regulations which apply on a compulsory basis

UNECE regulation No	Subject	Series of amendments	OJ reference	Applicability
1	Headlamps for motor vehicles (R2, HS1)	02	OJ L 177, 10.7.2010, p. 1.	L1e, L2e, L3e, L4e, L5e, L6e and L7e
3	Retro-reflectors	Supplement 12 to the 02 series of amendments	OJ L 323, 6.12.2011, p. 1.	L1e, L2e, L3e, L4e, L5e, L6e and L7e
6	Direction indicators	Supplement 25 to the 01 series of amendments	OJ L 213, 18.7.2014, p. 1.	L1e, L2e, L3e, L4e, L5e, L6e and L7e
7	Front and rear position lamps and stop lamps	Supplement 23 to the 02 series of amendments	OJ L 285, 30.9.2014, p. 1.	L1e, L2e, L3e, L4e, L5e, L6e and L7e
8	Head lamps for motor vehicles (H1, H2, H3, HB3, HB4, H7, H8, H9, H11, HIR1, HIR2)	05	OJ L 177, 10.7.2010, p. 71.	L1e, L2e, L3e, L4e, L5e, L6e and L7e
16	Safety belts, restraint systems and child restraint systems	Supplement 5 to the 06 series of amendments	OJ L 304, 20.11.2015, p. 1.	L2e, L4e, L5e, L6e and L7e
19	Front fog lamps	Supplement 6 to the 04 series of amendments	OJ L 250, 22.8.2014, p. 1.	L3e, L4e, L5e and L7e
20	Headlamps for motor vehicles (H4)	03	OJ L 177, 10.7.2010, p. 170.	L1e, L2e, L3e, L4e, L5e, L6e and L7e
28	Audible warning devices	Supplement 3 to the 00 series of amendments	OJ L 323, 6.12.2011, p. 33.	L3e, L4e and L5e