Commission Regulation (EU) 2016/1718 of 20 September 2016 amending Regulation (EU) No 582/2011 with respect to emissions from heavy-duty vehicles as regards the provisions on testing by means of portable emission measurement systems (PEMS) and the procedure for the testing of the durability of replacement pollution control devices (Text with EEA relevance)

COMMISSION REGULATION (EU) 2016/1718

of 20 September 2016

amending Regulation (EU) No 582/2011 with respect to emissions from heavy-duty vehicles as regards the provisions on testing by means of portable emission measurement systems (PEMS) and the procedure for the testing of the durability of replacement pollution control devices

(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 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy-duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC[(1)], and in particular Article 4(3), Article 5(4) and Article 12 thereof,

Whereas:

(1) In-service conformity testing represents one of the building blocks of the type-approval procedure and allows for the verification of the performance of emission control systems during the useful lifetime of vehicles. In accordance with Commission Regulation (EU) No 582/2011[(2)], the tests are performed by means of portable emission measurement systems (PEMS) which assess the emissions in the normal operations of use. The PEMS approach is equally applied to verify off-cycle emissions during the type-approval certification.

(2) Regulation (EU) No 582/2011 states that any additional requirements with respect to the off-cycle in-use emissions testing procedure should be introduced after the assessment of the test procedure specified in that Regulation.

(3) The Commission has therefore performed an in-depth analysis of the testing procedure. That analysis has identified a number of shortfalls which undermine the efficiency of the European type-approval legislation and need to be remedied in order to ensure the appropriate level of environmental protection.

(4) Emission performance of vehicles in a warm-up period is currently not assessed under the type-approval demonstration test or under the in-service conformity test. In order to address the existing knowledge gap and to prepare a new testing procedure for cold start

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2016/1718. (See end of Document for details)*

operations, a monitoring phase during which data from type-approval and in-service conformity tests will be collected should be launched.

(5) In accordance with Regulation (EU) No 582/2011, replacement pollution control devices are to be type-approved in accordance with Euro VI emission requirements once the specific durability testing requirements are introduced in that Regulation.

(6) It is therefore necessary to lay down a procedure which will properly assess the durability of those replacement parts entering the Union market and to ensure that they meet environmental requirements compatible with those set for similar systems produced as original vehicles' parts.

(7) A test procedure based on the accelerated ageing of replacement pollution control devices due to thermal and lubricant consumption effects meets the objective of addressing durability of replacement pollution control devices in an accurate and objective manner and is not excessively burdensome for the industry.

(8) Regulation (EU) No 582/2011 sets out requirements related to the measures that need to be introduced by vehicle manufacturers in order to prevent tampering with emission control systems. Those requirements should effectively address the most common means of tampering without imposing an excessive burden on the industry.

(9) References to international standards in Regulation (EU) No 582/2011 should be updated.

(10) In order to ensure a sufficient lead time for the vehicle manufacturers to modify their products in accordance with the new requirement on the power threshold, that requirement should take effect on 1 September 2018 for new types and on 1 September 2019 for all new vehicles.

(11) It is appropriate that the new requirements for the in-service testing do not apply retroactively to engines and vehicles which have not been approved in accordance with those requirements. Therefore, the new provisions set out in Annex II shall only apply to the in-service conformity testing of new types of engines and vehicles which have been approved in accordance with the amended version of the Regulation (EU) No 582/2011.

(12) Regulation (EU) No 582/2011 should therefore be amended accordingly.

(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

Regulation (EU) No 582/2011 is amended as follows:

(1) in Article 14, paragraph 3 is deleted;

(2) in Article 15, paragraph 5 is deleted;

(3) the following Article 17a is inserted:

Article 17a

Transitional provisions for certain type-approvals and certificates of conformity

1 With effect from 1 September 2018, national authorities shall refuse, on grounds relating to emissions, to grant EC type-approval or national type-approval in respect of new types of vehicles or engines tested using procedures which do not comply with points 4.2.2.2 and 4.2.2.2.1 and 4.2.2.2.2 and 4.3.1.2 and 4.3.1.2.1 and 4.3.1.2.2 of Appendix 1 to Annex II.

2 With effect from 1 September 2019, national authorities shall, in the case of new vehicles which do not comply with points 4.2.2.2 and 4.2.2.2.1 and 4.2.2.2.2 and 4.3.1.2 and 4.3.1.2.1 and 4.3.1.2.2 of Appendix 1 to Annex II, consider certificates of conformity issued in respect of those vehicles to be no longer valid for the purposes of Article 26 of Directive 2007/46/EC and shall, on grounds relating to emissions, prohibit the registration, sale and entry into service of such vehicles.

With effect from 1 September 2019 and except in the case of replacement engines for in-service vehicles, national authorities shall prohibit the sale or use of new engines which do not comply with points 4.2.2.2 and 4.2.2.2.1 and 4.3.1.2 and 4.3.1.2.1 of Appendix 1 to Annex II.;

(4) Annex I is amended in accordance with Annex I to this Regulation;

(5) Annex II is amended in accordance with Annex II to this Regulation;

(6) Annex VI is amended in accordance with Annex III to this Regulation;

(7) Annex XI is amended in accordance with Annex IV to this Regulation;

(8) Annex XIII is amended in accordance with Annex V to this Regulation;

(9) Annex XIV is amended in accordance with Annex VI to this Regulation.

Article 2

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

With the exception of point 8(c), which shall apply to all vehicles as from the entry into force of this Regulation, Annex II shall apply from 1 January 2017 to new vehicle types.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 20 September 2016.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2016/1718. (See end of Document for details)*

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2016/1718. (See end of Document for details)*

ANNEX I

Annex I to Regulation (EU) No 582/2011 is amended as follows:

(1) point 1.1.2 is replaced by the following:

1.1.2. If the manufacturer permits the engine family to run on market fuels that do not comply neither with Directive 98/70/EC of the European Parliament and of the Council[3] nor with CEN standard EN 228:2012 (in the case of unleaded petrol) or CEN standard EN 590:2013 (in the case of diesel), such as running on B100 (EN 14214), the manufacturer shall, in addition to the requirements in point 1.1.1, comply with the following requirements:

(a) declare the fuels the engine family is capable of running on in point 3.2.2.2.1 of the Information Document as set out in Part 1 of Appendix 4., either by reference to an official standard or to a production specification of a brand specific market fuel not meeting any official standard such as those mentioned in point 1.1.2. The manufacturer shall also declare that the functionality of the OBD system is not affected by the use of the declared fuel;

(b) demonstrate that the parent engine meets the requirements specified in Annex III and in Appendix 1 of Annex VI to this Regulation on the fuels declared; the approval authority may request that the demonstration requirements be further extended to those laid down in Annex VII and Annex X;

(c) be liable to meet the requirements of in-service conformity specified in Annex II on the fuels declared including any blend between the declared fuels and the market fuels included in Directive 98/70/EC and the relevant CEN standards.

At the request of the manufacturer, the requirements set out in this point shall be applied to fuels used for military purposes.

For the purposes of point (a) of the first subparagraph where the emission tests are performed for demonstrating compliance with the requirements of this Regulation, a fuel analysis report of the test fuel shall be attached to the test report and shall comprise at least the parameters specified in the official specification of the fuel manufacturer.;

(2) point 1.1.5 is replaced by the following:

1.1.5. In the case of natural gas/biomethane engines, the ratio of the emission results “r” shall be determined for each pollutant as follows:

$$r = \frac{\text{emission result on reference fuel 2}}{\text{emission result on reference fuel 1}}$$

or

$$r_a = \frac{\text{emission result on reference fuel 2}}{\text{emission result on reference fuel 3}}$$

and

$$r_b = \frac{\text{emission result on reference fuel 1}}{\text{emission result on reference fuel 3}}$$

.”
;

(3) point 3.1 is replaced by the following: