Commission Implementing Regulation (EU) No 427/2014 of 25 April 2014 establishing a procedure for the approval and certification of innovative technologies for reducing CO2 emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 427/2014

of 25 April 2014

establishing a procedure for the approval and certification of innovative technologies for reducing CO_2 emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 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) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emissions 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 Article 12(2) thereof,

Whereas:

(1) In order to promote the development and the early uptake of new and advanced CO_2 emission-reducing vehicle technologies, Regulation (EU) No 510/2011 provides manufacturers and suppliers with the possibility of applying for the approval of certain innovative technologies contributing to reducing CO_2 emissions from new light commercial vehicles. Therefore, it is necessary to clarify the criteria for determining which technologies should be eligible as eco-innovations pursuant to that Regulation.

(2) It is appropriate to take into account the experience gained from the introduction of a scheme for innovative technologies for passenger cars pursuant to Commission Implementing Regulation (EU) No 725/2011[(2)] and apply the same eligibility criteria for light commercial vehicles. A distinction should however be made with regard to light commercial vehicles that are constructed and type-approved in multi-stages. For those vehicles, it is appropriate to limit the certification of the CO_2 reductions to eco-innovations fitted to the base vehicle.

(3) According to of Article 12(2)(c) of Regulation (EU) No 510/2011, technologies that are part of the Union's integrated approach outlined in two Commission Communications of 7 February 2007[(3)], and have been regulated in Union law, or other technologies that are mandatory under Union law, are not eligible as eco-innovations under that Regulation. Those technologies include tyre pressure monitoring systems, tyre rolling resistance and gear shift indicators falling within the scope of Regulation (EC) No 661/2009 of

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the European Parliament and of the Council[4] and, as regards tyre rolling resistance, Regulation (EC) No 1222/2009 of the European Parliament and of the Council[5].

(4) A technology that has already for some time been widely available on the market cannot be considered innovative within the meaning of Article 12 of Regulation (EU) No 510/2011 and should therefore not be eligible as an eco-innovation. In order to ensure full parallelism with Implementing Regulation (EU) No 725/2011, it is appropriate to provide that only technologies that had been fitted in 3 % or less of all light commercial vehicles registered in 2009 should be eligible as eco-innovations. Those thresholds should be subject to review at the latest in 2016.

(5) In order to promote technologies with the highest potential for reducing CO_2 emissions from light commercial vehicles, and in particular the development of innovative propulsion technologies, only those technologies should be eligible that are intrinsic to the transport function of the vehicle and contribute significantly to improving the overall energy consumption of the vehicle. Technologies that are accessory to that purpose or aim at enhancing the comfort of the driver or the passengers should not be eligible.

(6) According to Regulation (EU) No 510/2011, applications may be submitted by both manufacturers and suppliers. The application should include the necessary evidence that the eligibility criteria are fully met, including a methodology for measuring the CO_2 savings from the innovative technology.

(7) It should be possible to measure the CO_2 savings from an eco-innovation with a satisfactory degree of accuracy. That accuracy can only be achieved where the savings are 1 g CO_2/km or more.

(8) Where the CO_2 savings of a technology depends on the behaviour of the driver or on other factors that are outside the control of the applicant, that technology should in principle not be eligible as an eco-innovation, unless it is possible, on the basis of strong and independent statistical evidence, to make verifiable assumptions about average driver behaviour.

(9) The standard test cycle used for type-approval measurement of the CO_2 emissions from a vehicle does not demonstrate all savings that can be attributed to certain technologies. To create the right incentives for innovation, only those savings that are not captured by the standard test cycle should be taken into account for the calculation of the total CO_2 savings.

(10) In demonstrating the CO_2 savings, a comparison should be made between the same vehicles with and without the eco-innovation. The testing methodology should provide verifiable, repeatable and comparable measurements. In order to ensure a level playing field and, in the absence of an agreed and more realistic driving cycle, the driving patterns in the New European Driving Cycle as referred to in Commission Regulation (EC) No 692/2008[6] should be used as a common reference. The testing methodology should be based on measurements on a chassis dynamometer or on modelling or simulation where such methodologies would provide better and more accurate results.

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(11) Guidelines on the preparation of the application and the testing methodologies should be provided by the Commission and be regularly updated to take into account the experience gained from assessing different applications.

(12) According to Regulation (EU) No 510/2011, the application must be accompanied by a verification report provided by an independent and certified body. That body should be a technical service of category A or B as referred to in Directive 2007/46/EC of the European Parliament and of the Council[(7)]. However, in order to ensure the independence of the body, technical services designated in accordance with Article 41(6) of that Directive should not be considered an independent and certified body within the meaning of this Regulation. The body should, together with the verification report, provide relevant evidence of its independence from the applicant.

(13) In order to ensure efficient registration and monitoring of the specific savings for individual vehicles, savings should be certified as part of the type-approval of a vehicle and the total savings should be entered into the certificate of conformity in accordance with Directive 2007/46/EC.

(14) The Commission should have the possibility to verify on an ad hoc basis the certified total savings for individual vehicles. Where it is evident that the certified savings are inconsistent with the level of savings resulting from the decision to approve a technology as an eco-innovation, the Commission should be able to disregard the certified CO_2 savings for the calculation of the average specific CO_2 emissions. The manufacturer should, however, be given a limited time period during which it may demonstrate that the certified values are accurate.

(15) In order to ensure a transparent application procedure, summary information should be available to the public on the applications for approval of innovative technologies and the testing methodologies. Once approved, the testing methodologies should be publicly accessible. The exceptions to the right to public access to documents set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council[(8)] should apply as appropriate.

(16) 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 sets out the procedure to be followed for the application for, and assessment, approval and certification of innovative technologies that reduce emissions of CO_2 from light commercial vehicles pursuant to Article 12 of Regulation (EU) No 510/2011.

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Article 2

Scope

1 Any technology falling within the scope of the following measures shall not be considered as an innovative technology:

a efficiency improvements for air-conditioning systems;

b tyre pressure monitoring systems falling within the scope of Regulation (EC) No 661/2009;

c tyre rolling resistance falling within the scope of Regulation (EC) No 661/2009 and of Regulation (EC) No 1222/2009;

d gear shift indicators falling within the scope of Regulation (EC) No 661/2009;

e use of bio fuels.

2 **[**F1An application for the approval of an innovative technology as an eco-innovation may be made under this Regulation in respect of a technology, provided that the following conditions are met:**]**

[F1a it had been fitted in 3 % or less of all new light commercial vehicles registered in 2009 for applications submitted until 31 December 2019, or in 3 % or less of all new light commercial vehicles registered in the year n – 4, n being the year of application, for applications submitted from 1 January 2020;**]**

b it relates to items intrinsic to the efficient operation of the vehicle and is compatible with Directive 2007/46/EC.

3 In the case of completed vehicles, only eco-innovations fitted on a base vehicle that is EC type-approved as an incomplete vehicle shall be considered for the certification of CO_2 emission reductions pursuant to Article 11.

[F24 An application for the approval of an innovative technology as an eco-innovation may be made by reference to the standard test procedure in accordance with the following:

a to the New European Driving Cycle referred to in Annex XII to Regulation (EC) No 692/2008 until 31 December 2019;

b to the Worldwide Harmonised Light Vehicle Test Procedure referred to in Commission Regulation (EU) 2017/1151(9) from 14 March 2018.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2018/259 of 21 February 2018 amending Implementing Regulation (EU) No 427/2014 for the purpose of adjusting it to the change in the regulatory test procedure and simplifying the administrative procedures for application and certification (Text with EEA relevance).

F2 Inserted by Commission Implementing Regulation (EU) 2018/259 of 21 February 2018 amending Implementing Regulation (EU) No 427/2014 for the purpose of adjusting it to the change in the regulatory test procedure and simplifying the administrative procedures for application and certification (Text with EEA relevance).

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Article 3

Definitions

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

(1) 'innovative technology' means a technology or a combination of technologies with similar technical features and characteristics (innovative technology package) where the CO_2 savings can be demonstrated using one testing methodology and where each of the individual technologies forming the combination falls within the scope specified in Article 2;

(2) 'supplier' means the manufacturer of an innovative technology responsible for ensuring conformity of production or its authorised representative in the Union or the importer;

(3) **[**F1'applicant' means the manufacturer or supplier, or a group of manufacturers or suppliers, submitting an application for the approval of an innovative technology as an eco-innovation;**]**

(4) 'eco-innovation' means an innovative technology accompanied by a testing methodology that has been approved by the Commission in accordance with this Regulation;

(5) 'independent and certified body' means a category A or category B technical service referred to in Article 41(3)(a) and (b) of Directive 2007/46/EC meeting the requirements set out in Article 42 of that Directive, with the exception of technical services designated in accordance with Article 41(6) of that Directive;

(6) **[**F1'requester' means a manufacturer or supplier or a group of manufacturers or suppliers that requests the amendment of a decision approving an innovative technology as an eco-innovation.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2018/259 of 21 February 2018 amending Implementing Regulation (EU) No 427/2014 for the purpose of adjusting it to the change in the regulatory test procedure and simplifying the administrative procedures for application and certification (Text with EEA relevance).

[**F1Article 4**]

Application for the approval of an innovative technology as an eco-innovation

1 An application for the approval of an innovative technology as an eco-innovation shall be submitted to the Commission in writing. The application and all supporting documentation shall also be submitted by electronic mail or electronic data carrier or uploaded in a server managed by the Commission. The written application shall list the supporting documentation.

2 **[**F1An application for the approval of an innovative technology as an eco-innovation shall include the following:**]**

a contact details of the applicant;