Commission Regulation (EU) No 65/2012 of 24 January 2012 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards gear shift indicators and amending Directive 2007/46/EC of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION REGULATION (EU) No 65/2012

of 24 January 2012

implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards gear shift indicators and amending Directive 2007/46/EC 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 (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor[(1)] and in particular Article 14(1)(a) thereof,

Whereas:

(1) Regulation (EC) No 661/2009 requires the installation of gear shift indicators (GSI) on all vehicles, which are fitted with a manual gearbox, of category M_1 with a reference mass not exceeding 2 610 kg and vehicles to which type-approval is extended in accordance with Article 2(2) of Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information[(2)].

(2) Regulation (EC) No 661/2009 requires the technical details of its provisions on GSI to be defined by implementing legislation. It is now necessary to set out the specific procedures, tests and requirements for such type-approval of GSI.

(3) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)[(3)] should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 65/2012. (See end of Document for details)*

Article 1

Scope

This Regulation applies to vehicles of category M_1 which comply with the following requirements:

— they are fitted with a manual gearbox,

— they have a reference mass not exceeding 2 610 kg or type-approval is extended to them in accordance with Article 2(2) of Regulation (EC) No 715/2007.

This Regulation does not apply to 'vehicles designed to fulfil specific social needs' as defined in Article 3(2)(c) of Regulation (EC) No 715/2007.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply in addition to the definitions set out in Regulation (EC) No 661/2009:

(1) 'vehicle type with regard to the GSI' means a group of vehicles, which do not differ with respect to functional characteristics of the GSI and the logic used by the GSI to determine when to indicate a gearshift point. Examples of different logics include, but are not limited to:

(i) upshifts indicated at specified engine speeds;

(ii) upshifts indicated when specific fuel consumption engine maps show that a specified minimum fuel consumption improvement will be delivered in the higher gear;

(iii) upshifts indicated when torque demand can be met in the higher gear;

(2) 'functional characteristics of the GSI' means the set of input parameters, such as engine speed, power demand, torque and their variation in time, determining the GSI indication and the functional dependence of the GSI indications on these parameters;

(3) 'operational mode of the vehicle' means a state of the vehicle, in which shifts between at least two forward gears may occur;

(4) 'manual mode' means an operational mode of the vehicle, where the shift between all or some of the gears is always an immediate consequence of an action of the driver;

(5) 'tailpipe emissions' means tailpipe emissions as defined in Article 3(6) of Regulation (EC) No 715/2007.

Article 3

Assessment of manual gearbox

For the purpose of assessing whether a gearbox meets the definition according to Article 3(16) of Regulation (EC) No 661/2009, a gearbox having at least one manual mode according to Article 2(4) of this Regulation shall be considered as a 'manual gearbox'.

For this assessment, automatic changes between gears, which are performed not to optimise the operation of the vehicle but only under extreme conditions for reasons such as protecting or avoiding the stalling of the engine, are not considered.

Article 4

EC type-approval

1 Manufacturers shall ensure that vehicles placed on the market, which are covered by Article 11 of Regulation (EC) No 661/2009, are equipped with GSI in accordance with the requirements of Annex I to this Regulation.

2 To obtain an EC type-approval for the vehicles covered by Article 11 of Regulation (EC) No 661/2009, the manufacturer shall fulfil the following obligations:

a draw up and submit to the type-approval authority an information document in accordance with the model set out in Part 1 of Annex II to this Regulation;

b submit to the type-approval authority a declaration laying down that, according to the manufacturer's assessment, the vehicle complies with the requirements set out in this Regulation;

c present to the type-approval authority a certificate established in accordance with the model set out in Part 2 of Annex II to this Regulation;

d either

(i) submit to the type-approval authority the GSI gear shift points determined analytically as provided for in the last paragraph of point 4.1 to Annex I; or

(ii) submit to the technical service responsible for conducting the type-approval tests a vehicle which is representative of the vehicle type to be approved to enable the test described in point 4 of Annex I to be carried out.

3 Based on the elements provided by the manufacturer under points (a), (b) and (c) of paragraph 2 and the results of the type-approval test referred to in point (d) of paragraph 2, the type-approval authority shall assess compliance with the requirements of Annex I.

It shall issue an EC type-approval certificate according to the model set out in Part 3 of Annex II to this Regulation for the vehicles covered by Article 11 of Regulation (EC) No 661/2009 only if such compliance is established.

Article 5

Monitoring the effects of legislation

For the purpose of monitoring the effects of this Regulation and evaluating the need for further developments, manufacturers and type-approval authorities shall make available to the Commission, upon request, the information set out in Annex II. This information shall be treated in a confidential manner by the Commission and its delegates.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 65/2012. (See end of Document for details)*

Article 6

Amendments to Directive 2007/46/EC

Annexes I, III, IV, VI and XI to Directive 2007/46/EC are amended in accordance with Annex III to this Regulation.

Article 7

Entry into force

This Regulation shall enter into force on the 20th day following 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.

Done at Brussels, 24 January 2012.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 65/2012. (See end of Document for details)*

ANNEX I

SPECIAL REQUIREMENTS FOR VEHICLES EQUIPPED WITH GEAR SHIFT INDICATORS (GSI)

1. Characteristic of the GSI appearance

1.1. The shift recommendation shall be provided by means of a distinct visual indication, for example a clear indication to shift up or up/down or a symbol that identifies the gear into which the driver should shift. The visible indication may be complemented by other indications, including audible ones, provided that these do not compromise safety.

1.2. The GSI must not interfere with or mask the identification of any tell-tale, control or indicator, which is mandated or supports the safe operation of the vehicle. Notwithstanding point 1.3, the signal shall be designed so that it does not distract the driver's attention and to avoid interfering with proper and safe vehicle operation.

1.3. The GSI shall be located in compliance with paragraph 5.1.2 of UNECE Regulation No 121. It shall be designed such that it can not be confused with any other tell-tale, control or indicator the vehicle is equipped with.

1.4. An information display device may be used to display GSI indications provided that they are sufficiently different from other indications so as to be clearly visible and identifiable by the driver.

1.5. Temporarily, the GSI indication may be automatically overridden or deactivated in exceptional situations. Such circumstances are those that may compromise the safe operation or integrity of the vehicle, including activation of traction or stability control systems, temporary displays from driver assistance systems or events relating to vehicle malfunctioning. The GSI shall resume normal operation after the exceptional situations ceased to exist, and within a delay of 10 seconds or longer, if justified by specific technical or behavioural reasons.

2. Functional requirements for GSI (applicable to all manual modes)

2.1. The GSI shall suggest changing the gear when the fuel consumption with the suggested gear is estimated to be lower than the current one giving consideration to the requirements laid down in points 2.2 and 2.3.

2.2. The GSI shall be designed to encourage an optimised fuel efficient driving style under reasonably foreseeable driving conditions. Its main purpose is to minimise the fuel consumption of the vehicle when the driver follows its indications. However, regulated tailpipe emissions shall not be disproportionately increased with respect to the initial state when following the indication of the GSI. In addition, following the GSI strategy should not have any negative effect on the timely functioning of pollution control devices, such as catalysts, after a cold start. For this purpose vehicle manufacturers should provide technical documentation to the type-approval authority, which describes the impact of the GSI strategy on the vehicle's regulated tailpipe emissions, under at least steady vehicle speed.

2.3. Following the indication of the GSI must not compromise the safe operation of the vehicle, e.g. to prevent stalling of the engine, insufficient engine braking or insufficient engine torque in the case of high power demand.

3. Information to be provided

3.1. The manufacturer shall provide the following information to the type-approval authority. The information shall be made available in the following two parts: