Commission Regulation (EU) No 64/2012 of 23 January 2012 amending Regulation (EU) No 582/2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) (Text with EEA relevance)

COMMISSION REGULATION (EU) No 64/2012

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amending Regulation (EU) No 582/2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI)

(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), Article 6(2) and Article 12 thereof,

Having regard to 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)[(2)], and in particular Article 39(7) thereof,

Whereas:

(1) Regulation (EC) No 595/2009 establishes common technical requirements for the type-approval of motor vehicles and replacement parts with regard to their emissions and lays down rules for in-service conformity, durability of pollution control devices, on-board diagnostic (OBD) systems, measurement of fuel consumption and accessibility of vehicle repair and maintenance information.

(2) In accordance with Article 3(15) of Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council[(3)], vehicles and engines are to be type-approved in accordance with Regulation (EC) No 595/2009 and its implementing measures only once measurement procedures for measuring PM number as set out in Annex I to Regulation (EC) No 595/2009, any specific provisions regarding multi-setting engines that are needed and provisions implementing Article 6 of Regulation (EC) No 595/2009

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 64/2012. (See end of Document for details)*

have been adopted. Therefore, it is appropriate to amend Regulation (EU) No 582/2011 in order to include such requirements.

(3) In accordance with Article 6 of Regulation (EC) No 595/2009, Articles 6 and 7 of Regulation (EC) No 715/2007 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[(4)] shall apply *mutatis mutandis*. Therefore, it is appropriate to carry over to this Regulation the provisions on access to repair and maintenance information set out in Regulation (EC) No 715/2007 and its implementing measures. However, it is necessary to adapt those provisions in order to take into account the specificities of the heavy-duty vehicles.

(4) In particular, it is appropriate to adopt specific procedures for access to vehicle repair and maintenance information in accordance with Article 6(1) of Regulation (EC) No 595/2009 in the case of multi-stage type-approval. It is also appropriate to adopt specific requirements and procedures for access to vehicle repair and maintenance information in the case of customer adaptations and small volume production. Finally, it is appropriate to make reference to the specific standards for reprogramming developed for the heavy-duty vehicles.

(5) Application of the provisions on access to repair and maintenance information may be too burdensome for vehicle manufacturers in the short term with respect to certain systems which are carried over from old vehicle types to new vehicle types. It is therefore appropriate to introduce certain limited derogations from the general provisions on access to vehicle OBD and vehicle repair and maintenance information.

(6) Provisions on the access to OBD and vehicle repair and maintenance information for the purposes of the design and manufacture of automotive equipment for alternative fuel vehicles should be set once type-approval for such equipment becomes possible.

(7) In accordance with Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community[(5)], speed limitation devices are to be installed by workshops or bodies approved by the Member States. In accordance with Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport[(6)], only approved workshops may calibrate recording equipment in motor vehicles. It is therefore appropriate to exclude the information concerning the reprogramming of control units for speed limitation devices and recording equipment from the provisions on giving access to repair and maintenance information.

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

(9) 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 2, the following points (42), (43) and (44) are added:

(42) "customer adaptation" means any change to a vehicle, system, component or separate technical unit made at the specific request of a customer and subject to approval;

(43) "vehicle OBD information" means information relating to an on-board diagnostic system for any electronic system on the vehicle;

(44) "carry-over system" means a system, as defined in Article 3(23) of Directive 2007/46/EC, carried over from an old type of vehicle to a new type of vehicles.;

(2) the following Articles 2a to 2h are inserted:

Article 2a

Access to vehicle OBD and vehicle repair and maintenance information

1 Manufacturers shall put in place the necessary arrangements and procedures, in accordance with Article 6 of Regulation (EC) No 595/2009 and Annex XVII to this Regulation, to ensure that vehicle OBD and vehicle repair and maintenance information is accessible through websites using a standardised format in a readily accessible and prompt manner, and in a manner which is non-discriminatory compared to the provisions given or access granted to authorised dealers and repairers. Manufacturers shall also make training material available to independent operators and authorised dealers and repairers.

2 Approval authorities shall only grant type-approval after receiving from the manufacturer a Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information.

3 The Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information shall serve as the proof of compliance with Article 6 of Regulation (EC) No 595/2009.

4 The Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information shall be drawn up in accordance with the model set out in Appendix 1 of Annex XVII.

5 The vehicle OBD and vehicle repair and maintenance information shall include the following:

a an unequivocal identification of the vehicle, system, component or separate technical unit for which the manufacturer is responsible;

b service handbooks, including service and maintenance records;

c technical manuals;

d component and diagnosis information (such as minimum and maximum theoretical values for measurements);

e wiring diagrams;

f diagnostic trouble codes, including manufacturer specific codes;

g the software calibration identification number applicable to a vehicle type;

h information provided concerning, and delivered by means of, proprietary tools and equipment;

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i data record information and two-directional monitoring and test data;

j standard work units or time periods for repair and maintenance tasks if they are made available to authorised dealers and repairers of the manufacturer either directly or through a third party;

k in case of multi-stage type-approval, the information required under Article 2b.

6 Authorised dealers or repairers within the distribution system of a given vehicle manufacturer shall be regarded as independent operators for the purposes of this Regulation to the extent that they provide repair or maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer's distribution system.

7 The vehicle repair and maintenance information shall always be available, except as required for maintenance purposes of the information system.

8 For the purposes of manufacture and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide the relevant vehicle OBD and vehicle repair and maintenance information on a non-discriminatory basis to any interested component, diagnostic tools or test equipment manufacturer or repairer.

9 The manufacturer shall make subsequent amendments and supplements to vehicle repair and maintenance information available on its websites at the same time they are made available to authorised repairers.

10 Where repair and maintenance records of a vehicle are kept in a central data base of the vehicle manufacturer or on its behalf, independent repairers, who have been approved and authorised as required in Section 2.2 of Annex XVII, shall have access to such record free of charge and under the same conditions as authorised repairers in order to be able to enter information on repair and maintenance which they have performed.

11 The manufacturer shall make available to interested parties the following information:

a relevant information to enable the development of replacement components which are critical to the correct functioning of the OBD system;

b information to enable the development of generic diagnostic tools.

For the purposes of point (a) of the first subparagraph, the development of replacement components shall not be restricted by any of the following:

a the unavailability of pertinent information;

b the technical requirements relating to malfunction indication strategies if the OBD thresholds are exceeded or if the OBD system is unable to fulfil the basic OBD monitoring requirements of this Regulation;

c specific modifications to the handling of OBD information to deal independently with vehicle operation on petrol or on gas;

d the type-approval of gas-fuelled vehicles that contain a limited number of minor deficiencies.

For the purposes of point (b) of the first subparagraph, where manufacturers use diagnostic and test tools in accordance with ISO 22900 Modular vehicle communication interface (MVCI) and ISO 22901 Open diagnostic data exchange

(ODX) in their franchised networks, the ODX files shall be accessible to independent operators via the website of the manufacturer.

Article 2b

Multi-stage type-approval

1 In the case of multi-stage type-approval, as defined in Article 3(7) of Directive 2007/46/EC, the final manufacturer shall be responsible for providing access to vehicle OBD and vehicle repair and maintenance information regarding its own manufacturing stage(s) and the link to the previous stage(s).

In addition, the final manufacturer shall on its website provide independent operators with the following information:

a website address of the manufacturer(s) responsible for the previous stage(s);

b name and address of all the manufacturers responsible for the previous stage(s);

c type-approval number(s) of the previous stage(s);

d the engine number.

2 Each manufacturer responsible for a particular stage or stages of type-approval shall be responsible for providing through his website access to vehicle OBD and vehicle repair and maintenance information regarding the stage(s) of type-approval for which he is responsible and the link to the previous stage(s).

3 The manufacturer responsible for a particular stage or stages of type-approval shall provide the following information to the manufacturer responsible for the next stage:

a the Certificate of Conformity relating to the stage(s) for which he is responsible;

b the Certificate on Access to Vehicle OBD and Vehicle Repair and Maintenance Information, including its appendices;

c the type-approval number corresponding to the stage(s) for which he is responsible;

d the documents referred to in points (a), (b) and (c) as provided by the manufacturer(s) involved in the previous stage(s).

Each manufacturer shall authorise the manufacturer responsible for the next stage to pass the documents provided to the manufacturers responsible for any subsequent stages and the final stage.

In addition, on a contractual basis, the manufacturer responsible for a particular stage or stages of type-approval shall:

a provide the manufacturer responsible for the next stage with access to vehicle OBD and vehicle repair and maintenance information and interface information corresponding to the particular stage(s) for which he is responsible;

b provide, at the request of a manufacturer responsible for a subsequent stage of type-approval, with access to vehicle OBD and vehicle repair and maintenance information and interface information corresponding to the particular stage(s) for which he is responsible.