Commission Regulation (EU) 2019/1939 of 7 November 2019 amending Regulation (EU) No 582/2011 as regards Auxiliary Emission Strategies (AES), access to vehicle OBD information and vehicle repair and maintenance information, measurement of emissions during cold engine start periods and use of portable emissions measurement systems (PEMS) to measure particle numbers, with respect to heavy duty vehicles (Text with EEA relevance)

COMMISSION REGULATION (EU) 2019/1939

of 7 November 2019

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(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 Articles 4(3), 5(4), 6(2) and 12 thereof.

Whereas:

(1) The rules for declaring and assessing Auxiliary Emission Strategies (AES) were recently changed for light passenger and commercial vehicles by Commission Regulation (EU) 2017/1151[(2)]. The provisions already established in Commission Regulation (EU) No 582/2011[(3)] for heavy duty vehicles should be aligned for the sake of consistency.

(2) In-service conformity testing represents one of the building blocks of the vehicle type-approval procedure and allows the performance of emission control systems to be verified throughout a vehicle's useful life. Commission Regulation (EU) No 582/2011 requires the tests to be performed by means of a portable emissions measurement system (PEMS), which assesses emissions under normal conditions of use. The PEMS approach is equally used to check off-cycle emissions during type-approval.

(3) The emissions performance of heavy duty vehicles in the period following a cold engine start is currently not assessed as part of the type-approval demonstration test or the in-service conformity test. Following a monitoring exercise when data from type-approval and in-service conformity tests were collected and analysed, it was found that

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2019/1939. (See end of Document for details)*

significant amounts of the total NO_x emitted were excluded from the analysis as a result of not assessing the cold engine start period. In order to represent real world emissions better, the measurement procedure should therefore be revised to include measurement of pollutant emissions during the cold engine start period.

(4) Particle number measurements using PEMS have been successfully implemented under the emissions type-approval rules for light passenger and commercial vehicles[4]. Following a pilot study by the Commission's Joint Research Centre in which an analysis was performed on the portable particle number equipment for heavy duty vehicles, it is considered appropriate to introduce a similar requirement in the emissions type-approval rules for heavy duty vehicles. The Commission will be obliged under Regulation (EC) No 595/2009 to keep the level of the final conformity factor for particle number emissions under review, taking into account technical progress.

(5) The Commission recognises that vehicles equipped with a spark-ignition engine or a dual-fuel engine fuelled with gas from Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG) or Liquefied Petroleum Gas (LPG) may require technical adaptations to comply with the particle number conformity factor. In order to ensure a sufficient lead time to allow manufacturers of gas engines to modify their products in accordance with the requirements laid down by this Regulation, a transitional period should be permitted for compliance with the maximum allowed conformity factor for vehicles equipped with such engines.

(6) The requirements introduced by this Regulation for in-service conformity testing should not apply retroactively to engines and vehicles which were type-approved before introduction of those requirements. Therefore, the amendments set out in Annexes I, II and III to this Regulation should only apply to the in-service conformity testing of new types of engine or vehicle, in other words to engines or vehicles which are type-approved in accordance with the amendments introduced by this Regulation.

(7) The rules on access to vehicle OBD information and vehicle repair and maintenance information have been incorporated into Regulation (EU) 2018/858 of the European Parliament and of the Council[5], which applies from 1 September 2020. Therefore, the provisions in Regulation (EU) No 582/2011 relating to access to such information should be omitted with effect from that date.

(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) Article 2 is amended as follows:

(a) in point (5), the words 'and vehicle repair and maintenance information' are deleted;

(b) point (43) is deleted;

(c) the following point is added:

(57) "Particulate Matter number" (PM number) means the total number of solid particles emitted from the exhaust quantified according to the dilution, sampling and measurement methods as specified in Annex 4 to UNECE Regulation 49[6].;

(2) Articles 2a, 2b, 2c, 2d, 2e, 2f, 2g and 2h are deleted;

(3) Article 3 is amended as follows:

(a) paragraph 1 is replaced by the following:

1. In order to receive an EU type-approval of an engine system or engine family as a separate technical unit, an EU type-approval of a vehicle with an approved engine system with regard to emissions, or an EU type-approval of a vehicle with regard to emissions, the manufacturer shall, in accordance with the provisions of Annex I, demonstrate that the vehicles or engine systems or engine families are subject to the tests and comply with the requirements set out in Articles 4 and 14 and in Annexes III to VIII, X, XIII and XIV. The manufacturer shall also ensure compliance with the specifications of reference fuels set out in Annex IX. In the case of dual-fuel engines and vehicles, the manufacturer shall, in addition, comply with the requirements set out in Annex XVIII.

In order to receive an EU type-approval of a vehicle with an approved engine system with regard to emissions, or an EU type-approval of a vehicle with regard to emissions, the manufacturer shall also demonstrate that the requirements laid down in Article 6 of and Annex II to Commission Regulation (EU) 2017/2400[7] are met with respect to the vehicle group concerned. However, that requirement shall not apply where the manufacturer indicates that new vehicles of the type to be approved will not be registered, placed on the market or entered into service in the Union on or after the dates laid down in points (a), (b) and (c) of paragraph 1 of Article 24 of Regulation (EU) 2017/2400 for the respective vehicle group.;

(b) paragraphs 1a, 1b and 1c are deleted;

(c) paragraph 2 is replaced by the following:

2. In order to receive an EU type-approval of a vehicle with an approved engine system with regard to emissions, or an EU type-approval of a vehicle with regard to emissions, the manufacturer shall ensure compliance with the installation requirements set out in Section 4 of Annex I and, in the case of dual-fuel vehicles, with the additional installation requirements set out in Section 6 of Annex XVIII.;

(d) paragraph 3 is replaced by the following:

3. In order to receive an extension of the EU type-approval of a vehicle with regard to emissions type-approved under this Regulation with a reference mass exceeding 2 380 kg but not exceeding 2 610 kg, the manufacturer shall meet the requirements set out in Section 5 of Annex VIII.;

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(e) paragraph 6 is replaced by the following:

6. In order to receive an EU type-approval of an engine system or engine family as a separate technical unit or an EU type-approval of a vehicle with regard to emissions for the purposes of obtaining universal fuel-range type-approval, a restricted fuel-range type-approval or a fuel-specific type-approval, the manufacturer shall ensure compliance with the requirements set out in Section 1 of Annex I.;

(4) Article 5 is amended as follows:

(a) the heading is replaced by the following:

Application for EU type-approval of an engine system or engine family as a separate technical unit with regard to emissions;

(b) paragraph 3 is replaced by the following:

3. Together with the application, the manufacturer shall provide a documentation package that fully explains any element of design which affects emissions, the emission control strategy of the engine system, the means by which the engine system controls the output variables which have a bearing upon emissions, whether that control is direct or indirect, anti-tampering measures and fully explains the warning and inducement system required by Sections 4 and 5 of Annex XIII. The documentation package shall be identified and dated by the approval authority and kept by that authority for at least 10 years after the approval is granted.

The documentation package shall consist of the following parts:

the information set out in Section 8 to Annex I,

an AES documentation package, as described in Appendix 11 of Annex I to this Regulation in order for the approval authorities to be able to assess the proper use of AES.

At the request of the manufacturer, the approval authority shall conduct a preliminary assessment of the AES for new vehicle types. In that case, the manufacturer shall provide the draft AES documentation package to the approval authority between 2 and 12 months before the start of the type-approval process.

The approval authority shall make a preliminary assessment on the basis of the draft AES documentation package provided by the manufacturer. The approval authority shall make the preliminary assessment in accordance with the methodology described in Appendix 2 of Annex VI. The approval authority may deviate from that methodology in exceptional and duly justified cases.

The preliminary assessment of the AES for new vehicle types shall remain valid for the purposes of type approval for a period of 18 months. That period may be extended by a further 12 months if the manufacturer provides the approval authority with proof that no new technologies have become available on the market that would change the preliminary assessment of the AES.

A list of AES which were deemed non-acceptable by approval authorities shall be compiled yearly by the Forum for Exchange of Information on Enforcement and made available to the public by the Commission.

(c) in paragraph 4, points (d) and (g) are deleted;

(5) Article 6 is amended as follows:

(a) the heading is replaced by the following:

Administrative provisions for EU type-approval of an engine system or engine family as a separate technical unit with regard to emissions;

(b) in paragraph 1, the first and second subparagraphs are replaced by the following:

If all the relevant requirements are met, the approval authority shall grant an EU type-approval of an engine system or engine family as a separate technical unit and issue a type-approval number in accordance with the numbering system set out in the applicable implementing act adopted pursuant to Article 28(3) of Regulation (EU) 2018/858 of the European Parliament and of the Council[8].

Without prejudice to the provisions of that implementing act, Section 3 of the type-approval number shall be drawn up in accordance with Appendix 9 to Annex I to this Regulation.;

(c) in paragraph 1a, point (b) is deleted;

(6) Article 7 is amended as follows:

(a) the heading is replaced by the following:

Application for EU type-approval of a vehicle with an approved engine system with regard to emissions;

(b) paragraph 1 is replaced by the following:

1. The manufacturer shall submit to the approval authority an application for EU type-approval of a vehicle with an approved engine system with regard to emissions.;

(c) in paragraph 4, points (c) and (d) are deleted;

(7) Article 8 is amended as follows:

(a) the heading is replaced by the following:

Administrative provisions for EU type-approval of a vehicle with an approved engine system with regard to emissions;

(b) in paragraph 1, the first and second subparagraphs are replaced by the following:

If all the relevant requirements are met, the approval authority shall grant an EU type-approval of a vehicle with an approved engine system with regard to emissions and issue a type-approval number in accordance with