Commission Regulation (EU) No 566/2011 of 8 June 2011 amending Regulation (EC) No 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No 692/2008 as regards access to vehicle repair and maintenance information (Text with EEA relevance)

COMMISSION REGULATION (EU) No 566/2011

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amending Regulation (EC) No 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No 692/2008 as regards access to vehicle repair and maintenance information

(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 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[(1)], and in particular Articles 4(4), 5(3) and 8 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)], in particular Article 39(2) thereof,

Whereas:

(1) Regulation (EC) No 715/2007 establishes common technical requirements for the type approval of motor vehicles (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) Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council 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[(3)] requires the Commission to introduce the new test procedure for particle mass and numbers emitted by light duty vehicles.

(3) Council Directive 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers[(4)] requires the use of daytime running lamps for safety reasons. The effect of those devices, which are switched on permanently during the

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 566/2011. (See end of Document for details)*

operation of vehicles, should be appropriately reflected in the measured pollutant and carbon dioxide (CO_2) emissions.

(4) The risk of tampering with and total failures of diesel particle filters (DPFs) necessitates the monitoring of DPFs, regardless of the exceedance of the applicable OBD threshold limit.

(5) Due to its permanent nature, the monitoring of electric circuits should be exempt from the reporting resulting from the in-use-performance-ratio requirements on the OBD system.

(6) The limited frequency of driving situations during which monitors of the boost control system or monitors requiring a cold start can be operated requires special performance requirements for these monitors.

(7) The statistical conditions under which compliance with in-use-performance-ratio requirements is assessed by default should be harmonised.

(8) If tampering of the Selective Catalytic Reduction (SCR) system is identified by direct monitoring of nitrogen oxides (NO_x) emissions, the conditions under which its driver inducement system is activated should be better defined.

(9) The recording of activation of the driver inducement system should be clarified with regard to possible future use of this information during roadworthiness inspections.

(10) The protection of the emission control computer against tampering should be open for technical improvements due to innovation.

(11) Recording and reporting of data are essential parts of a mandatory OBD monitor and should not be waived by alleged deficiencies, in particular not in a systematic manner where the manufacturer opts for certain standards for on/off board communication.

(12) In order to ensure effective competition on the market for vehicle repair and maintenance information services, and in order to clarify that the information concerned also covers information which needs to be provided to independent operators other than repairers, so as to ensure that the independent vehicle repair and maintenance market as a whole can compete with authorised dealers, regardless of whether the vehicle manufacturer gives such information to authorised dealers and repairers directly, further clarifications with regard to the details of the information to be provided under Regulation (EC) No 715/2007 are necessary.

(13) Considering the proportionality principle, while vehicle manufacturers should not be forced to collect data on modifications of individual vehicles from third parties exclusively for the purposes of Regulation (EC) No 715/2007 and its implementing acts, in order to ensure a competitive repair and maintenance market, independent operators should receive updates to vehicle component data to the extent the updates are available to authorised dealers and repairers.

(14) Work units are important technical repair and maintenance information for independent operators. Clarifying that work units are covered by Article 6 of Regulation (EC) No 715/2007 is expected to provide commercial certainty to the market players.

(15) Where vehicle manufacturers provide that repair and maintenance records are no longer kept in physical format — which vehicle owners can also make accessible to independent repairers for the latter to introduce a statement of the repair and maintenance work carried out — in the vehicle, but kept in the vehicle manufacturers' central data base, these records must, with the consent of the vehicle owners, also be accessible by the independent repairer in order to allow them to continue to produce such complete record of the repair and maintenance work carried out and to enable vehicle owners to have a single document proving all such works.

(16) More flexibility should be given for the re-programming of vehicle control units and the data exchange between vehicle manufacturers and independent operators in order to allow for innovations and to save costs.

(17) It should be ensured that vehicles approved in accordance with the relevant Regulation from the United Nations Economic Commission for Europe (UN/ECE) equivalent to the emissions-related requirements of Regulation (EC) No 715/2007 and Regulation (EC) No 692/2008 and fulfilling the requirements of those Regulations on access to information are approved in accordance with Regulation (EC) No 715/2007 without administrative burdens.

(18) Since there is currently no common structured process for the exchange of vehicle component data between vehicle manufacturers and independent operators, it is appropriate to develop principles for such an exchange of data. A future common structured process on the standardised format of the data exchanged should be developed by the European Committee for Standardization (CEN) formally, whereupon the mandate given to CEN does not predetermine the level of detail this standard will provide. The CEN's work should, in particular, reflect the interests and needs of vehicle manufacturers and independent operators alike and should also investigate solutions such as open data formats described by well defined meta-data to accommodate existing IT infrastructures.

(19) Regulations (EC) No 715/2007 and (EC) No 692/2008 should therefore be amended accordingly.

(20) 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 (EC) No 715/2007 is amended as follows:

(1) Article 6 is amended as follows:

(a) paragraph 2 is replaced by the following:

2. The information referred to in paragraph 1 shall include:
   a an unequivocal vehicle identification;
   b service handbooks, including repair 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;

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

j standard work units or time periods for repair and maintenance tasks if made available, either directly or through a third party, to manufacturers' authorised dealers and repairers.;

(b) the following paragraph 8 is added:

8. Where vehicle repair and maintenance records are kept in a central data base of the vehicle manufacturer or on its behalf, independent repairers, approved and authorised as required in point 2.2 of Annex XIV to Commission Regulation (EC) No 692/2008[(5)], shall have access to such records free of charge and under the same conditions as authorised dealers or repairers in order to record information on repair and maintenance performed.;

(2) in Article 7, paragraph 2 is replaced by the following:

2. Manufacturers shall make available vehicle repair and maintenance information including transactional services such as reprogramming or technical assistance on an hourly, daily, monthly, and yearly basis, with fees for access to such information varying in accordance with the respective periods of time for which access is granted. In addition to time-based access, manufacturers may offer transaction-based access, for which fees are charged per transaction and not based on the time for which access is granted. Where both access systems are offered by manufacturers, independent repairers shall choose a preferred access system, either time-based or transaction-based.;

(3) in Annex I, notes 1 and 2 of Table 1 and notes 1, 2 and 5 of Table 2 are deleted.

Article 2

Regulation (EC) No 692/2008 is amended as follows:

(1) in Article 2, the following point 33 is added:

33. "Cold start" means an engine coolant temperature (or equivalent temperature) at engine start less than or equal to 35 °C and less than or equal to 7 K higher than ambient temperature (if available) at engine start.;

(2) in Article 6(1), the following fourth and fifth subparagraphs are added:

The relevant requirements shall be deemed to be met if all the following conditions are fulfilled:

(a) the requirements of Article 13 are met;

(b) the vehicle has been approved according to UN/ECE Regulations No 83, series of amendments 06, No 101, series of amendments 01 and in the case of compression ignition vehicles No 24 Part III, series of amendments 03.

In the case referred to in the fourth subparagraph Article 14 shall also apply.;

(3) in Article 10(1), the following third and fourth subparagraphs are added:

The relevant requirements shall be deemed to be met if all the following conditions are fulfilled:

(a) the requirements of Article 13 are met;

(b) the replacement pollution control devices have been approved according to UN/ECE Regulation No 103.

In the case referred to in the third subparagraph Article 14 shall also apply.;

(4) Article 13(9) is replaced by the following:

9. The Forum on Access to Vehicle Information (the Forum) is hereby established.

The Forum shall consider whether access to information affects the advances made in reducing vehicle theft and shall make recommendations for improving the requirements relating to access to information. In particular, the Forum shall advise the Commission on the introduction of a process for approving and authorising independent operators by accredited organisations to access information on vehicle security.

The Commission may decide to keep the discussions and findings of the Forum confidential.;

(5) Annexes I, III, IV, VIII, IX, XI, XII, XIV, XVI and XVIII are amended in accordance with Annex I to this Regulation;

(6) Annex II is replaced by the text set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the third 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, 8 June 2011.

For the Commission

The President

José Manuel BARROSO