Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (Text with EEA relevance)

REGULATION (EC) No 1222/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 November 2009

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

Whereas:

(1) Sustainable mobility is a major challenge facing the Community in the light of climate change and the need to support European competitiveness, as emphasised in the Commission Communication of 8 July 2008 entitled ‘Greening Transport’.

(2) The Commission Communication of 19 October 2006 entitled ‘Action Plan for Energy Efficiency – Realising the Potential’ highlighted the potential for reducing the total energy consumption by 20 % by 2020 by means of a list of targeted actions including the labelling of tyres.

(3) The Commission Communication of 7 February 2007 entitled ‘Results of the review of the Community strategy to reduce CO_2 emissions from passenger cars and light-commercial vehicles’ highlighted the potential for reducing CO_2 emissions by means of complementary measures for car components with the highest impact on fuel consumption, such as tyres.

(4) Tyres, mainly because of their rolling resistance, account for 20 % to 30 % of the fuel consumption of vehicles. A reduction of the rolling resistance of tyres may therefore contribute significantly to the energy efficiency of road transport and thus to the reduction of emissions.

(5) Tyres are characterised by a number of parameters which are interrelated. Improving one parameter such as rolling resistance may have an adverse impact on other parameters such as wet grip, while improving wet grip may have an adverse impact

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on external rolling noise. Tyre manufacturers should be encouraged to optimise all parameters beyond the standards already achieved.

(6) Fuel-efficient tyres are cost-effective since fuel savings more than compensate for the increased purchase price of tyres stemming from higher production costs.

(7) 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[(3)] sets out minimum requirements for the rolling resistance of tyres. Technological developments make it possible to significantly decrease energy losses due to tyre rolling resistance beyond those minimum requirements. To reduce the environmental impact of road transport, it is therefore appropriate to lay down provisions to encourage end-users to purchase more fuel-efficient tyres by providing harmonised information on that parameter.

(8) Traffic noise is a significant nuisance and has a harmful effect on health. Regulation (EC) No 661/2009 sets out minimum requirements for the external rolling noise of tyres. Technological developments make it possible to significantly reduce external rolling noise beyond those minimum requirements. To reduce traffic noise, it is therefore appropriate to lay down provisions to encourage end-users to purchase tyres with low external rolling noise by providing harmonised information on that parameter.

(9) The provision of harmonised information on external rolling noise would also facilitate the implementation of measures against traffic noise and contribute to increased awareness of the effect of tyres on traffic noise within the framework of Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise[(4)].

(10) Regulation (EC) No 661/2009 sets out minimum requirements for the wet grip performance of tyres. Technological developments make it possible to significantly improve wet grip beyond those minimum requirements, and thus to reduce wet braking distances. To improve road safety, it is therefore appropriate to lay down provisions to encourage end-users to purchase tyres with high wet grip performance by providing harmonised information about that parameter.

(11) The provision of information on wet grip may not reflect the primary performance of tyres specifically designed for snow and ice conditions. Taking into account the fact that harmonised testing methods are not yet available in respect of such tyres, it is appropriate to provide for the possibility of adapting their grip grading at a later stage.

(12) The provision of information on tyre parameters in the form of a standard label is likely to influence purchasing decisions by end-users in favour of safer, quieter and more fuel-efficient tyres. This, in turn, is likely to encourage tyre manufacturers to optimise those tyre parameters, which would pave the way for more sustainable consumption and production.

(13) A multiplicity of rules concerning the labelling of tyres across Member States would create barriers to intra-Community trade and increase the administrative burden and testing costs for tyre manufacturers.

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(14) Replacement tyres account for 78 % of the tyre market. It is therefore appropriate to inform the end-user about the parameters of replacement tyres as well as tyres fitted on new vehicles.

(15) The need for greater information on tyre fuel efficiency and other parameters is relevant for consumers, as well as fleet managers and transport undertakings, which cannot easily compare the parameters of different tyre brands in the absence of a labelling and harmonised testing regime. It is therefore appropriate to include C1, C2 and C3 tyres within the scope of this Regulation.

(16) The energy label which ranks products on a scale from 'A' to 'G', as applied to household appliances pursuant to Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances[(5)], is well known by consumers and has proven to be successful in promoting more efficient appliances. The same design should be used for the labelling of tyre fuel efficiency.

(17) The display of a label on tyres at the point of sale, as well as in technical promotional material, should ensure that distributors as well as potential end-users receive harmonised information on tyre fuel efficiency, wet grip performance and external rolling noise at the time and place of the purchasing decision.

(18) Some end-users choose tyres before arriving at the point of sale, or purchase tyres by mail order. To ensure that those end-users can also make an informed choice on the basis of harmonised information on tyre fuel efficiency, wet grip performance and external rolling noise, labels should be displayed in all technical promotional material, including where such material is made available on the Internet. Technical promotional material does not include advertisements in billboards, newspapers, magazines, radio broadcasting, television and similar online formats.

(19) Potential end-users should be provided with information explaining each component of the label and its relevance. This information should be provided in technical promotional material, for instance on suppliers' websites.

(20) Information should be provided in accordance with harmonised testing methods that should be reliable, accurate and reproducible, in order to enable end-users to compare different tyres and so as to limit testing costs for manufacturers.

(21) In order to reduce greenhouse gas emissions and increase the safety of road transport, Member States may put in place incentives in favour of fuel-efficient, safer and low noise tyres. It is appropriate that minimum fuel efficiency and wet grip classes be determined below which such incentives may not be granted in order to avoid fragmentation of the internal market. Such incentives may constitute State aid. This Regulation should be without prejudice to the outcome of any future State aid procedure which may be undertaken in accordance with Articles 87 and 88 of the Treaty with respect to such incentives and should not cover taxation and fiscal matters.

(22) Compliance with the provisions on labelling by suppliers and distributors is essential in order to achieve the aims of those provisions and to ensure a level playing field within

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the Community. Member States should therefore monitor such compliance through market surveillance and regular ex-post controls, in particular in line with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products[(6)].

(23) Member States should refrain, when implementing the relevant provisions of this Regulation, from implementing measures that impose unjustified, bureaucratic and unwieldy obligations on small and medium-sized enterprises.

(24) Tyre suppliers and distributors should be encouraged to comply with the provisions of this Regulation before 2012 to speed up the recognition of the label and the realisation of its benefits.

(25) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(7)].

(26) In particular, the Commission should be empowered to introduce requirements with respect to wet grip grading of C2 and C3 tyres, to adapt the grip grading of tyres specifically designed for snow and ice conditions and to adapt the Annexes, including the testing methods and related allowances, to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, inter alia, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(27) A review of this Regulation should be undertaken to determine end-users' understanding of the label and the ability of this Regulation to achieve market transformation,

HAVE ADOPTED THIS REGULATION:

Article 1

Aim and subject matter

1 The aim of this Regulation is to increase the safety, and the economic and environmental efficiency of road transport by promoting fuel-efficient and safe tyres with low noise levels.

2 This Regulation establishes a framework for the provision of harmonised information on tyre parameters through labelling, allowing end-users to make an informed choice when purchasing tyres.

Article 2

Scope

1 This Regulation shall apply to C1, C2 and C3 tyres.

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2 This Regulation shall not apply to:

a re-treaded tyres;

b off-road professional tyres;

c tyres designed to be fitted only to vehicles registered for the first time before 1 October 1990;

d T-type temporary-use spare tyres;

e tyres whose speed rating is less than 80 km/h;

f tyres whose nominal rim diameter does not exceed 254 mm or is 635 mm or more;

g tyres fitted with additional devices to improve traction properties, such as studded tyres;

h tyres designed only to be fitted on vehicles intended exclusively for racing.

Article 3

Definitions

For the purpose of this Regulation:

1. ‘C1, C2 and C3 tyres’ means the tyre classes defined in Article 8 of Regulation (EC) No 661/2009;

2. ‘T-type temporary-use spare tyre’ means a temporary-use spare tyre designed for use at inflation pressures higher than those established for standard and reinforced tyres;

3. ‘point of sale’ means a location where tyres are displayed or stored and offered for sale to end-users, including car show rooms in relation to tyres offered for sale to end-users which are not fitted on the vehicles;

4. ‘technical promotional material’ means technical manuals, brochures, leaflets and catalogues (whether these appear in printed, electronic or online form), as well as websites, the purpose of which is to market tyres to end-users or distributors and that describe the specific technical parameters of a tyre;

5. ‘technical documentation’ means information relating to tyres, including the manufacturer and brand of the tyre; description of the tyre type or the grouping of tyres determined for the declaration of the fuel efficiency class, wet grip class and external rolling noise class and measured value; test reports and testing accuracy;

6. ‘manufacturer’ means any natural or legal person who manufactures a product, or has a product designed or manufactured and markets that product under his name or trademark;

7. ‘importer’ means any natural or legal person established within the Community who places a product from a third country on the Community market;

8. ‘authorised representative’ means any natural or legal person established within the Community who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks with regard to the latter's obligations under this Regulation;

9. ‘supplier’ means the manufacturer or its authorised representative in the Community or the importer;

10. ‘distributor’ means any natural or legal person in the supply chain, other than the supplier or the importer, who makes a tyre available on the market;