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 (Text with EEA relevance)

COMMISSION REGULATION (EC) No 692/2008

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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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Whereas:

(1) Regulation (EC) No 715/2007 is one of the separate regulatory acts under the type-approval procedure laid down by Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers[(2)].

(2) Regulation (EC) No 715/2007 requires new light-duty vehicles to comply with new emission limits and makes additional requirements on access to information. The technical requirements take effect in two stages, Euro 5 starting from 1 September 2009 and Euro 6 from 1 September 2014. The specific technical provisions necessary to implement that Regulation should be adopted. Therefore, the present Regulation aims at setting the requirements necessary for the type-approval of Euro 5 and 6 specification vehicles.

(3) Article 5 of Regulation (EC) No 715/2007 provides for specific technical requirements relating to the control of emissions from vehicles to be set in its implementing legislation. Therefore, it is appropriate to adopt such requirements.

(4) Following the adoption of the main requirements for type approval in Regulation (EC) No 715/2007, it is necessary to establish administrative provisions for EC type-approval of light duty vehicles. These administrative requirements include provisions

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 692/2008. (See end of Document for details)*

for conformity of production and in-service conformity to ensure continued good performance of production vehicles.

(5) In accordance with Article 11 of Regulation (EC) No 715/2007, it is necessary to establish requirements for type approval of replacement pollution control devices so as to ensure that they function correctly.

(6) In accordance with Articles 6 and 7 of Regulation (EC) No 715/2007, it is also necessary to establish requirements to ensure that vehicle on board diagnostic (OBD) and vehicle repair and maintenance information is readily accessible, so as to ensure that independent operators have access to such information.

(7) In accordance with Regulation (EC) No 715/2007, the measures provided for in this Regulation regarding access to vehicle repair and maintenance information, information for diagnostic tools and the compatibility of replacement parts with vehicle OBD systems, should not be restricted to emissions-related components and systems but cover all aspects of a vehicle subject to type-approval within the scope of this Regulation.

(8) As provided by Article 14(2) of Regulation (EC) No 715/2007, recalibrated limit values for particulate mass and new limit values for number of particles emitted are introduced.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles established by Article 40 of 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)].

(10) A Forum should be established to examine any concerns raised regarding the implementation of section 2.2 of Annex XIV, concerning access information relating to vehicle security features. The information exchange in the Forum should help to reduce the risk of misuse of vehicle security information. Due to the sensitivity of the subject matter it might be necessary to keep discussions and findings of the Forum confidential.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down measures for the implementation of Articles 4, 5 and 8 of Regulation (EC) No 715/2007.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. ‘vehicle type with regard to emissions and vehicle repair and maintenance information’ means a group of vehicles which do not differ in the following respects:

   (a) the equivalent inertia determined in relation to the reference mass as provided for in paragraph 5.1 of Annex 4 of UN/ECE Regulation 83[(4)];

   (b) the engine and vehicle characteristics as set out in Appendix 3 of Annex I;

2. ‘EC type-approval of a vehicle with regard to emissions and vehicle repair and maintenance information’ means an EC type-approval of a vehicle with regard to its tailpipe emissions, crankcase emissions, evaporative emissions, fuel consumption and access to vehicle OBD and vehicle repair and maintenance information;

3. ‘gaseous pollutants’ means the exhaust gas emissions of carbon monoxide, oxides of nitrogen, expressed in nitrogen dioxide (NO_2) equivalent, and hydrocarbons with the following ratio:

   (a) $C_1H_{1,89}O_{0,016}$ for petrol (E5);

   (b) $C_1H_{1,86}O_{0,005}$ for diesel (B5);

   (c) $C_1H_{2,525}$ for liquefied petroleum gas (LPG);

   (d) CH_4 for natural gas (NG) and biomethane;

   (e) $C_1H_{2,74}O_{0,385}$ for ethanol (E85);

4. ‘starting aid’ means glow plugs, modifications to the injection timing and other devices which assist the engine to start without enrichment of the air/fuel mixture of the engine;

5. ‘engine capacity’ means either of the following:

   (a) for reciprocating piston engines, the nominal engine swept volume;

   (b) for rotary piston (Wankel) engines, double the nominal engine swept volume;

6. ‘periodically regenerating system’ means catalytic converters, particulate filters or other pollution control devices that require a periodical regeneration process in less than 4 000 km of normal vehicle operation

7. ‘original replacement pollution control device’ means a pollution control device or an assembly of pollution control devices whose types are indicated in Appendix 4 to Annex I to this Regulation but are offered on the market as separate technical units by the holder of the vehicle type-approval;

8. ‘type of pollution control device’ means catalytic converters and particulate filters which do not differ in any of the following essential aspects:

   (a) number of substrates, structure and material;

   (b) type of activity of each substrate;

   (c) volume, ratio of frontal area and substrate length;

   (d) catalyst material content;

   (e) catalyst material ratio;

   (f) cell density;

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(g) dimensions and shape;

(h) thermal protection;

9. ‘mono fuel vehicle’ means a vehicle that is designed to run primarily on one type of fuel;

10. ‘mono fuel gas vehicle’ means a mono fuel vehicle that primarily runs on LPG, NG/ biomethane, or hydrogen but may also have a petrol system for emergency purposes or starting only, where the petrol tank does not contain more than 15 litres of petrol;

11. ‘bi fuel vehicle’ means a vehicle with two separate fuel storage systems that can run part-time on two different fuels and is designed to run on only one fuel at a time;

12. ‘bi fuel gas vehicle’ means a bi fuel vehicle that can run on petrol and also on either LPG, NG/biomethane or hydrogen;

13. ‘flex fuel vehicle’ means a vehicle with one fuel storage system that can run on different mixtures of two or more fuels;

14. ‘flex fuel ethanol vehicle’ means a flex fuel vehicle that can run on petrol or a mixture of petrol and ethanol up to an 85 % ethanol blend (E85);

15. ‘flex fuel biodiesel vehicle’ means a flex fuel vehicle that can run on mineral diesel or a mixture of mineral diesel and biodiesel;

16. **[**[F1]‘hybrid electric vehicle’ (HEV) means a vehicle, including vehicles which draw energy from a consumable fuel only for the purpose of re-charging the electrical energy/power storage device, that, for the purpose of mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy/power:

(a) a consumable fuel;

(b) a battery, capacitor, flywheel/generator or other electrical energy/power storage device;**]**

17. ‘properly maintained and used’ means, for the purpose of a test vehicle, that such a vehicle satisfies the criteria for acceptance of a selected vehicle laid down in section 2 of Appendix 1 to Annex II;

18. ‘emission control system’ means, in the context of the OBD system, the electronic engine management controller and any emission-related component in the exhaust or evaporative system which supplies an input to or receives an output from this controller;

19. ‘malfunction indicator (MI)’ means a visible or audible indicator that clearly informs the driver of the vehicle in the event of a malfunction of any emission-related component connected to the OBD system, or of the OBD system itself;

20. ‘malfunction’ means the failure of an emission-related component or system that would result in emissions exceeding the limits in section 3.3.2 of Annex XI or if the OBD system is unable to fulfil the basic monitoring requirements set out in Annex XI;

21. ‘secondary air’ means the air introduced into the exhaust system by means of a pump or aspirator valve or other means that is intended to aid in the oxidation of HC and CO contained in the exhaust gas stream;

22. ‘driving cycle’, in respect of vehicle OBD systems, consists of engine start-up, driving mode where a malfunction would be detected if present, and engine shut-off;

23. ‘access to information’ means the availability of all vehicle OBD and vehicle repair and maintenance information, required for the inspection, diagnosis, servicing or repair of the vehicle.

24. ‘deficiency’ means, in the context of the OBD system, that up to two separate components or systems which are monitored contain temporary or permanent operating characteristics that impair the otherwise efficient OBD monitoring of those components or systems or do not meet all of the other detailed requirements for OBD;

25. ‘deteriorated replacement pollution control device’ means a pollution control device as defined in Article 3(11) of Regulation (EC) No 715/2007 that has been aged or artificially deteriorated to such an extent that it fulfils the requirements laid out in Section 1 to Appendix 1 to Annex XI of UN/ECE Regulation No 83;

26. ‘vehicle OBD information’ means information relating to an on-board diagnostic system for any electronic system on the vehicle

27. ‘reagent’ means any product other than fuel that is stored on-board the vehicle and is provided to the exhaust after-treatment system upon request of the emission control system;

28. ‘mass of the vehicle in running order’ means the mass described in point 2.6 of Annex I to Directive 2007/46/EC;

29. ‘engine misfire’ means lack of combustion in the cylinder of a positive ignition engine due to absence of spark, poor fuel metering, poor compression or any other cause;

30. ‘cold start system or device’ means a system which temporarily enriches the air/fuel mixture of the engine thus assisting the engine to start;

31. ‘power take-off operation or unit’ means an engine-driven output provision for the purposes of powering auxiliary, vehicle mounted, equipment;

32. ‘small volume manufacturers’ means vehicle manufacturers whose worldwide annual production is less than 10 000 units**[**F2;**]**

33. **[**F1‘electric power train’ means a system consisting of one or more electric energy storage devices, one or more electric power conditioning devices and one or more electric machines that convert stored electric energy to mechanical energy delivered at the wheels for propulsion of the vehicle;**]**

34. **[**F3‘pure electric vehicle’ means a vehicle powered by an electric power train only;

35. ‘flex fuel H2NG vehicle’ means a flex fuel vehicle that can run on different mixtures of hydrogen and NG/biomethane;

36. ‘hydrogen fuel cell vehicle’ means a vehicle powered by a fuel cell that converts chemical energy from hydrogen into electric energy, for propulsion of the vehicle**[**F4;**]]**

37. **[**F5‘net power’ means the power obtained on a test bench at the end of the crankshaft or its equivalent at the corresponding engine or motor speed with the auxiliaries, tested in accordance with Annex XX (Measurements of net engine power, net power and the maximum 30 minutes power of electric drive train), and determined under reference atmospheric conditions;