

Commission Implementing Decision (EU) 2020/1714 of 16 November 2020 amending Implementing Decision (EU) 2019/1119 as regards the testing methodology for certain not-off vehicle charging hybrid electric passenger cars and to take into account the use of alternative fuels and Implementing Decision (EU) 2020/1339 as regards rear position lamps (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1714

of 16 November 2020

amending Implementing Decision (EU) 2019/1119 as regards the testing methodology for certain not-off vehicle charging hybrid electric passenger cars and to take into account the use of alternative fuels and Implementing Decision (EU) 2020/1339 as regards rear position lamps

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011⁽¹⁾, and in particular Article 11(4) thereof,

Whereas:

- (1) On 7 February 2020, the manufacturers Audi AG, Bayerische Motoren Werke AG, Daimler AG, FCA Italy S.p.A, Ford-Werke GmbH, Honda Motor Europe Ltd, Hyundai Motor Europe Technical Center GmbH, Jaguar Land Rover Ltd, OPEL Automobile GmbH-PSA, Automobiles Citroën, Automobiles Peugeot, PSA Automobiles SA, Renault, Škoda Auto a.s, Toyota Motor Europe and Volkswagen Nutzfahrzeuge jointly submitted a request ('the first request'), pursuant to Article 12a of Commission Implementing Regulation (EU) No 725/2011⁽²⁾, to amend Commission Implementing Decision (EU) 2019/1119⁽³⁾ in order to modify the testing methodology for certain not-off vehicle charging hybrid electric vehicles (NOVC-HEVs) of category M₁.
- (2) On 21 April 2020, the manufacturers FCA Italy S.p.A, Jaguar Land Rover Ltd., OPEL Automobile GmbH-PSA, Automobiles Citroën, Automobiles Peugeot, PSA Automobiles SA, Renault, Škoda Auto a.s and Ford-Werke GmbH jointly submitted a request ('the second request'), pursuant to Article 12a of Implementing Regulation (EU) No 725/2011, to amend Implementing Decision (EU) 2019/1119 to take into account the use of liquefied petroleum gas (LPG), compressed natural gas (CNG) and ethanol (E85).
- (3) The Commission assessed both requests in accordance with Article 11 of Regulation (EU) 2019/631, Implementing Regulation (EU) No 725/2011 and the 'Technical Guidelines for the preparation of applications for the approval of innovative

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1714. (See end of Document for details)

technologies pursuant to Regulation (EC) No 443/2009 and Regulation (EU) No 510/2011' (July 2018 Revision (V2))⁽⁴⁾.

- (4) In the first request, the requestors ask to modify the testing methodology set out in the Annex to Implementing Decision (EU) 2019/1119 to allow the testing conditions for internal combustion engine powered passenger cars to apply to NOVC-HEVs for which uncorrected measured fuel consumption and CO₂ emission values may be used in accordance with paragraph 1.1.4 of Appendix 2 to Sub-Annex 8 to Annex XXI to Commission Regulation (EU) 2017/1151⁽⁵⁾.
- (5) In support of their request, the requestors have provided evidence showing that due to the low degree of electrification of the specific category of NOVC-HEVs concerned, a statistically significant CO₂ correction factor, as referred to under point 4.1.2 of the Annex to Implementing Decision (EU) 2019/1119, cannot be determined.
- (6) Taking into account the arguments presented, due to the low degree of electrification, NOVC-HEVs for which uncorrected measured fuel consumption and CO₂ emission values may be used in accordance with paragraph 1.1.4 of Appendix 2 to Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151 should, for the purposes of calculating the CO₂ savings of the innovative technology in question, be considered as equivalent to vehicles powered by internal combustion engines. Consequently, the testing conditions for internal combustion engine powered passenger cars, set out in the Annex to Implementing Decision (EU) 2019/1119 should apply to this specific category of NOVC-HEVs. As regards other NOVC-HEVs, the testing methodology should remain unchanged.
- (7) As regards the second request, it is justified to clarify the testing methodology by adding fuel conversion and power consumption factors for LPG and CNG fuels. In view of the limited availability of E85 on the Union market as a whole, it is, however, not considered justified to distinguish that fuel from petrol for the purpose of the testing methodology.
- (8) Taking into account new information on the usage factors for cornering and static bending lights, it is appropriate to replace the existing usage factors provided for those lights in Implementing Decision (EU) 2019/1119 by more conservative factors as set out in Commission Implementing Decision (EU) 2020/1339⁽⁶⁾.
- (9) To ensure legal certainty, manufacturers should be able to submit applications for certification of CO₂ savings to type approval authorities in accordance with Implementing Decision (EU) 2019/1119 in its version of 28 June 2019, during a certain period. The amendments set out in this Decision do not affect the validity of certifications granted pursuant to Implementing Decision (EU) 2019/1119 in that version.
- (10) In the application that was approved by Implementing Decision (EU) 2020/1339, evidence was provided showing that the use of efficient LED lights in rear position lamps does not exceed the market penetration threshold referred to in Article 2(2)(a) of Commission Implementing Regulation (EU) No 427/2014⁽⁷⁾ and those lamps should therefore have been included in the scope of Implementing Decision (EU) 2020/1339. It is therefore appropriate to amend that Decision to include rear position lamps.

- (11) As CO₂ savings certified pursuant to Implementing Decision (EU) 2019/1119 may be taken into account for the calculation of the average specific emissions of a manufacturer starting from calendar year 2021, this Decision should enter into force promptly.
- (12) Implementing Decisions (EU) 2019/1119 and (EU) 2020/1339 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Implementing Decision (EU) 2019/1119

Implementing Decision (EU) 2019/1119 is amended as follows:

- (1) in Article 4, the following paragraph 2a is inserted:
 - 2a. Where the innovative technology is fitted in a bi-fuel or flex-fuel vehicle, the approval authority shall record the CO₂ savings as follows:
 - (a) for a bi-fuel vehicle using petrol and gaseous fuels, the CO₂ savings with regard to LPG or CNG fuels;
 - (b) for a flex-fuel vehicle using petrol and E85, the CO₂ savings with regard to petrol.;
- (2) Article 5 is replaced by the following:

Article 5

Transitional period and eco-innovation codes

- 1 Until 24 March 2021, a manufacturer may apply for certification of the CO₂ savings by the type approval authority pursuant to this Decision in its version of 28 June 2019. Where that is the case, the eco-innovation code No 28 shall be entered into the type approval documentation.
 - 2 Where the manufacturer applies for certification of the CO₂ savings by the type approval authority pursuant to this Decision without making reference to its version of 28 June 2019, the eco-innovation code No 37 shall be entered into the type approval documentation.
 - 3 CO₂ savings recorded by reference to the eco-innovation code No 28 or No 37 may be taken into account for the calculation of the average specific emissions of a manufacturer starting from calendar year 2021.;
- (3) the Annex is amended as follows:
 - (a) point 2 is amended as follows:
 - (i) the entry CF is replaced by the following:
CF — Conversion factor as defined in Table 5;

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1714. (See end of Document for details)

- (ii) the entry V_{Pe} is replaced by the following:
 V_{Pe} — Consumption of effective power as defined in Table 4;
- (b) point 4.1.1 is amended as follows:
 - (i) the title is replaced by the following:
 4.1.1. *Internal combustion engine powered passenger cars and NOVC-HEVs of category M_1 for which uncorrected measured fuel consumption and CO_2 emission values may be used in accordance with paragraph 1.1.4 of Appendix 2 to Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151,*
 - (ii) Table 4 is replaced by the following:

TABLE 4

Consumption of effective power

Type of Engine	Consumption of effective power (V_{Pe}) [l/kWh]
Petrol/E85	0,264
Petrol/E85 Turbo	0,280
Diesel	0,220
LPG	0,342
LPG Turbo	0,363
	Consumption of effective power (V_{Pe}) [m^3/kWh]
CNG (G20)	0,259
CNG (G20) Turbo	0,275

- (iii) the term ‘CF: Conversion factor (l/100 km) - (g CO_2 /km) [gCO_2/l] as specified in Table 5:’ is replaced by the following:
 CF: Conversion factor as defined in Table 5.;
- (iv) Table 5 is replaced by the following:

TABLE 5

Fuel conversion factor

Type of fuel	Conversion factor (CF) [gCO_2/l]
Petrol/E85	2 330
Diesel	2 640
LPG	1 629