Commission Implementing Decision (EU) 2020/1339 of 23 September 2020 on the approval pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council of efficient vehicle exterior lighting using light emitting diodes as an innovative technology for reducing CO2 emissions from certain light commercial vehicles in relation to the Worldwide Harmonised Light Vehicle Test Procedure (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1339

of 23 September 2020

on the approval pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council of efficient vehicle exterior lighting using light emitting diodes as an innovative technology for reducing CO_2 emissions from certain light commercial vehicles in relation to the Worldwide Harmonised Light Vehicle Test Procedure

(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 CO_2 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 19 December 2019, the manufacturers Toyota Motor Europe NV/SA, Opel Automobile GmbH-PSA, FCA Italy S.p.A., Automobiles Citroën, Automobiles Peugeot, PSA Automobiles SA, Audi AG, Ford-Werke GmbH, Jaguar Land Rover Ltd., Hyundai Motor Europe Technical Center GmbH, Škoda Auto a.s., BMW AG, Renault SA, Honda Motor Europe Ltd, Volkswagen AG and Volkswagen AG Nutzfahrzeuge submitted a joint application ('the application') in accordance with Article 11 of Regulation (EU) 2019/631 for the approval of efficient vehicle exterior lighting using light emitting diodes ('efficient exterior LED light') as an innovative technology for reducing CO_2 emissions from internal combustion engine powered light commercial vehicles capable of running on petrol, diesel and certain alternative fuels.

(2) On 20 February 2020, Renault SA, on behalf of the applicants, submitted an additional application concerning the use of the technology in certain not-off vehicle charging hybrid electric vehicles ('NOVC-HEV') of category N_1. Considering that the additional application refers to the same innovative technology and that the same conditions apply for its use in the vehicle categories concerned, it is appropriate to address both the application and the additional application in one decision.

(3) The application refers to CO_2 emission savings that cannot be demonstrated by measurements performed in accordance with World Harmonised Light Vehicles Test Procedure ('WLTP') as set out in Commission Regulation (EU) 2017/1151[(2)].

(4) The application has been assessed in accordance with Article 11 of Regulation (EU) 2019/631, Commission Implementing Regulation (EU) No 427/2014[(3)] as well as with the 'Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009 and Regulation (EU) No 510/2011' (July 2018 Revision (V2))[(4)]. In accordance with Article 11(3) of Regulation (EU) 2019/631, the application was accompanied by verification reports undertaken by an independent and certified body.

(5) The use of certain efficient exterior LED lights has already been approved for passenger cars by Commission Implementing Decisions 2014/128/EU[(5)], (EU) 2015/206[(6)], (EU) 2016/160[(7)] and (EU) 2016/587[(8)] referring to the New European Driving Cycle (NEDC) and by Commission Implementing Decision (EU) 2019/1119[(9)] referring to the WLTP ('past approval Implementing Decisions') as an innovative technology capable of reducing CO_2 emissions in a way that is not covered by the measurements performed as part of the NEDC, respectively the WLTP.

(6) Based on the experience gained from the past approval Implementing Decisions as well as on the reports and information provided with the application, it has been satisfactorily and conclusively demonstrated that an efficient exterior LED light or appropriate combinations thereof meet the eligibility criteria referred to in Article 11 of Regulation (EU) 2019/631 and Implementing Regulation (EU) No 427/2014 and provide a reduction in CO_2 emissions of at least 0,5 g CO_2/km as compared to the same set of baseline exterior lights.

(7) In addition to the exterior vehicle lighting for which the use of efficient LED lights has already been approved as an innovative technology in the past approval Implementing Decisions, the application also refers to end-outline marker and side marker lights. As those lights are not turned on during the measurements performed as part of the WLTP test, it is also appropriate to approve the use of efficient exterior LED lights in those lights.

(8) The application sets out a methodology for determining the CO_2 savings from the use of efficient exterior LED lights in a range of vehicle lights for use in light commercial vehicles powered by internal combustion engines as well as in certain NOVC-HEVs of category N_1 that are capable of running on petrol, diesel, liquefied petroleum gas (LPG), compressed natural gas (CNG) or E85.

(9) In view of the limited availability of E85 on the Union market as a whole, it is not considered justified to distinguish this fuel from petrol for the purpose of the testing methodology.

(10) The applicants have provided studies supporting that the usage patterns of light commercial vehicles and of passenger cars, with regard to the use of exterior vehicle lighting, are sufficiently similar to allow the methodology set out in Implementing Decision (EU) 2019/1119 to be applied also for light commercial vehicles.

(11) With regard to the cornering lamps and static bending lamps, the applicants have, however, proposed to include specific usage factors that are different from those included in the methodology set out in Implementing Decision (EU) 2019/1119. The usage factors proposed by the applicants for those lights can be considered more conservative than those set out in Implementing Decision (EU) 2019/1119 and it is therefore considered appropriate to include those new usage factors in the testing methodology in this Decision. Moreover, end-outline marker lights and side marker lights were not covered in Implementing Decision (EU) 2019/1119 and usage factors and power consumption values for those lights should therefore be added.

(12) Taking into account those additions, the testing methodology set out in Implementing Decision (EU) 2019/1119 should be considered appropriate for determining the CO_2 savings from the use of the innovative technology in light commercial vehicles.

(13) The efficient exterior LED lights should be used in internal combustion engine powered light commercial vehicles, or in NOVC-HEVs of category N_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.

(14) Manufacturers should have the possibility to apply to a type-approval authority for the certification of CO_2 savings from the use of efficient exterior LED lights where the conditions laid down in this Decision are met. Manufacturers should for that purpose ensure that the application for certification is accompanied by a verification report from an independent and certified body confirming that the innovative technology complies with the conditions laid down in this Decision and that the savings have been determined in accordance with the testing methodology set out in the Annex to this Decision.

(15) In order to facilitate a wider deployment of the innovative technology in new vehicles, a manufacturer should also have the possibility to submit a single application for the certification of the CO_2 savings from several efficient exterior LED lights. It is, however, appropriate to ensure that where this possibility is used a mechanism is applied that incentivises the deployment of only those efficient exterior LED lights that offer the highest efficiency.

(16) It is the responsibility of the type-approval authority to verify thoroughly that the conditions for certifying the CO_2 savings from the use of an innovative technology as specified in this Decision are met. Where the certification is granted, the responsible type-approval authority should ensure that all elements considered for the certification are recorded in a test report and kept together with the verification report and that this information is made available to the Commission on request.

(17) For the purpose of determining the general eco-innovation code to be used in the relevant type-approval documents in accordance with Annexes I, VIII and IX to Directive 2007/46/EC of the European Parliament and of the Council[(10)], it is necessary to attribute an individual code to the innovative technology.

(18) From 2021, manufacturers' compliance with their specific CO_2 emission targets is to be established on the basis of the CO_2 emissions determined in accordance with the WLTP.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1339. (See end of Document for details)*

CO_2 savings from the innovative technology certified by reference to this Decision may therefore be taken into account for the calculation of manufacturers' average specific CO_2 emissions starting from that year,

HAS ADOPTED THIS DECISION:

Article 1

Innovative technology

The use of efficient light emitting diodes in vehicle exterior lighting ('efficient exterior LED light') is approved as an innovative technology within the meaning of Article 11 of Regulation (EU) 2019/631 for use in light commercial vehicles powered by an internal combustion engine that are capable of running on petrol, diesel, liquefied petroleum gas (LPG), compressed natural gas (CNG) or E85, or a combination of those fuels, as well as in not-off-vehicle charging hybrid electric vehicles (NOVC-HEVs) of category N_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 and that are capable of running on those same fuels or a combination thereof, where the innovative technology is used in one or several of the following exterior vehicle lights:

(a) low beam headlamp (including adaptive front lighting system);

(b) high beam headlamp;

(c) front position lamp;

(d) front fog lamp;

(e) rear fog lamp;

(f) front turn signal lamp;

(g) rear turn signal lamp;

(h) licence plate lamp;

(i) reversing lamp;

(j) cornering lamp;

(k) static bending light lamp;

(l) end-outline marker light;

(m) side marker light**[**[F1]**;]**

(n) **[**[F2]rear position lamp.**]**

Textual Amendments

F1 Substituted by 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).

F2 Inserted by 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).

Article 2

Application for certification of CO_2 savings

1 A manufacturer may apply to a type-approval authority for certification of the CO_2 savings from the use of one or several efficient exterior LED lights by reference to this Decision.

2 The manufacturer shall ensure that the application for the certification is accompanied by a verification report from an independent and certified body confirming that the conditions set out in Article 1 have been met.

3 Where the savings have been certified in accordance with Article 3, the manufacturer shall ensure that the certified CO_2 savings and the eco-innovation code referred to in Article 4(1) are recorded in the certificate of conformity of the vehicles concerned.

Article 3

Certification of CO_2 savings

1 The type-approval authority shall ensure that the CO_2 savings achieved from the use of the innovative technology have been determined using the methodology set out in the Annex.

2 Where a manufacturer applies for the certification of the CO_2 savings from more than one efficient exterior LED light referred to in Article 1 in relation to one vehicle version, the type approval authority shall determine which of the efficient exterior LED lights tested delivers the lowest CO_2 savings, and record the lowest value in the relevant type approval documentation.

3 The type approval authority shall record the certified CO_2 savings determined in accordance with paragraphs 1 and 2 of this Article, and the eco-innovation code referred to in Article 4(1) in the relevant type-approval documentation.

4 Where the innovative technology is fitted in a bi-fuel or flex-fuel vehicle, the approval authority shall record the CO_2 savings as follows:

a for bi-fuel vehicles using petrol and gaseous fuels, the CO_2 savings with regard to LPG or CNG fuels;

b for flex-fuel vehicles using petrol and E85, the CO_2 savings with regard to petrol.

5 The type-approval authority shall record all the elements considered for the certification in a test report and keep that together with the verification report referred to in Article 2(2), and shall make that information available to the Commission on request.

6 The type-approval authority shall only certify CO_2 savings, if it finds that the innovative technology complies with the conditions set out in Article 1 of this Decision, and if the CO_2 savings achieved are 0,5 g CO_2/km or higher, as specified in Article 9(1)(b) of Implementing Regulation (EU) No 427/2014.