Commission Implementing Decision (EU) 2020/1222 of 24 August 2020 on the approval of efficient vehicle exterior lighting using light emitting diodes as an innovative technology for reducing CO2 emissions from internal combustion engine powered light commercial vehicles with regard to NEDC conditions pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1222

of 24 August 2020

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(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, 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') for the approval, in accordance with Article 11 of Regulation (EU) 2019/631, 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) The application has been assessed in accordance with Article 11 of Regulation (EU) 2019/631, Commission Implementing Regulation (EU) No 427/2014[(2)] 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 of the European Parliament and of the Council[(3)] (July 2018 version)[(4)]. In accordance with Article 11(3) of Regulation (EU) 2019/631, the application was accompanied by a verification report undertaken by an independent and certified body.

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(3) The application refers to CO_2 emission savings that cannot be demonstrated by measurements performed in accordance with the New European Driving Cycle ('NEDC test') set out in Commission Regulation (EC) No 692/2008[(5)].

(4) The use of light emitting diodes for improving the efficiency of exterior vehicle lighting has already been approved for certain exterior lights of passenger cars by Commission Implementing Decisions 2014/128/EU[(6)], (EU) 2015/206[(7)], (EU) 2016/160[(8)] and (EU) 2016/587[(9)] (jointly referred to as '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 test.

(5) Based on the experience gained from the assessment of the applications in the framework of 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 1 g CO_2/km as compared to the same set of baseline exterior lights.

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

(7) 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 capable of running on petrol, diesel, liquefied petroleum gas (LPG), compressed natural gas (CNG) or E85.

(8) 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.

(9) The applicants have provided studies supporting that the usage patterns of light commercial vehicles and those of passenger cars, with regard to the use of exterior vehicle lighting, are sufficiently similar to allow the same methodology to be applied for light commercial vehicles as the one set out in the past Implementing Decisions.

(10) However, with regard to the cornering lamps, the static bending lamps, end-outline marker lights and side marker lights, which have not been covered by the past Implementing Decisions, the applicants have proposed to include specific usage factors and power consumption values in the testing methodology. As the usage factors and power consumption values proposed by the applicants for those lights result in values that can be considered conservative, it is appropriate to add those factors and values to the testing methodology.

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(11) The methodology should also be complemented to ensure that the presence of adaptive front lighting systems (AFS) used in low beam lights can be taken into account.

(12) Taking into account those additions, the testing methodology should be considered appropriate for determining the CO_2 savings from the use of the innovative technology in light commercial vehicles.

(13) 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 of this Decision.

(14) 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 by a single certification application. 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.

(15) 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.

(16) 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.

(17) 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 Worldwide Harmonised Light Vehicle Test Procedure (WLTP) set out in Commission Regulation (EU) 2017/1151[(11)]. 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 only for the calendar year 2020,

HAS ADOPTED THIS DECISION:

Article 1

Innovative technology

The use of efficient light emitting diodes in vehicle exterior lighting is approved as an innovative technology within the meaning of Article 11 of Regulation (EU) 2019/631

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for use in light commercial vehicles powered by internal combustion engines that are capable of running on petrol, diesel, liquefied petroleum gas (LPG), compressed natural gas (CNG) or E85, or a combination of those fuels, where it 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) License plate lamp;

(i) Reversing lamp;

(j) Cornering lamp;

(k) Static Bending light;

(l) End-Outline marker lights;

(m) Side markers lights.

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 light 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 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 lighting tested delivers

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the lowest CO_2 savings, and record the lowest value in the relevant type approval documentation. That value shall be used for the purpose of paragraph 4.

3 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 value with regard to LPG or CNG fuels;

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

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

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, and if the CO_2 savings achieved are 1 g CO_2/km or higher, as specified in Article 9(1)(a) of Implementing Regulation (EU) No 427/2014.

Article 4

Eco-innovation code

1 The innovative technology approved by this Decision is attributed with the eco-innovation code 34.

2 The certified CO_2 savings recorded by reference to that eco-innovation code may only be taken into account for the calculation of the average specific emissions of manufacturers for the calendar year 2020.

Article 5

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 24 August 2020.

For the Commission

The President

Ursula VON DER LEYEN