Commission Implementing Decision (EU) 2019/1861 of 31 October 2019 amending Implementing Decision (EU) 2016/587 in order to clarify whether the scope of that Implementing Decision includes exterior LED lighting fitted to certain not off-vehicle charging hybrid electric M1 vehicles (NOVC-HEV) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1861

of 31 October 2019

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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 (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO_2 emissions from light-duty vehicles[(1)], and in particular Article 12(4) thereof,

Whereas:

(1) The Commission approved a testing methodology for determining the CO_2 savings from exterior LED lighting fitted on M1 vehicles on 14 April 2016 by Commission Implementation Decision (EU) 2016/587[(2)].

(2) The manufacturers Audi AG, Bayerische Motoren Werke AG, Ford-Werke GmbH, Hyundai Motor Europe Technical Center GmbH, Jaguar Land Rover LTD, Volkswagen AG, FCA Italy S.p.A., Automobiles Citroën Automobiles Peugeot PSA Automobiles SA, Opel Automobile GmbH — PSA and Renault SA (the 'requesters') submitted a request on 17 December 2018 to clarify whether the scope of that Implementing Decision includes exterior LED lighting fitted to not off-vehicle charging hybrid electric M1 vehicles (NOVC-HEV) that comply with point (3) of paragraph 5.3.2 of Annex 8 to Regulation No 101 of the Economic Commission for Europe of the United Nations (UN/ECE)[(3)] (UN/ECE Regulation No 101).

(3) The Commission assessed the request in accordance with Article 12 of Regulation (EC) No 443/2009, Commission Implementing Regulation (EU) No 725/2011[(4)] and the Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009. It found that, based on the measurement data provided by the requesters, the testing methodology set out in Implementing Decision (EU) 2016/587 should be considered appropriate for determining the CO_2 savings from LED lighting fitted to vehicles belonging to this specific group of NOVC-HEVs.

Changes to legislation: Commission Implementing Decision (EU) 2019/1861 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) It is therefore appropriate to clarify that, for any new applications for certification of CO_2 savings submitted following the entry into force of this Decision, the scope of Implementing Decision (EU) 2016/587 covers internal combustion engine M1 vehicles and NOVC-HEVs that comply with point (3) of paragraph 5.3.2 of Annex 8 to UN/ECE Regulation No 101.

(5) Implementing Decision (EU) 2016/587 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

The introductory sub-paragraph of paragraph 1 of Article 2 of Implementing Decision (EU) 2016/587 is replaced by the following:

1. The manufacturer may apply for the certification of CO_2 savings from one or several exterior LED lighting intended for use in internal combustion engine M1 vehicles or in not off-vehicle charging hybrid electric M1 vehicles (NOVC-HEVs) that comply with point (3) of paragraph 5.3.2 of Annex 8 to Regulation No 101 of the Economic Commission for Europe of the United Nations, provided that the vehicles are fitted with one or a combination of the following LED lights:.

Article 2

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*.

Article 1 shall apply to applications for certification submitted in accordance with Article 11 of Implementing Regulation (EU) No 725/2011 following the entry into force of this Decision.

Done at Brussels, 31 October 2019.

For the Commission

Miguel ARIAS CAÑETE

Member of the Commission