Commission Implementing Decision (EU) 2019/1119 of 28 June 2019 on the approval of efficient vehicle exterior lighting using light emitting diodes for use in internal combustion engine vehicles and non-externally chargeable hybrid electrified vehicles as an innovative technology for reducing CO2 emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1119

of 28 June 2019

on the approval of efficient vehicle exterior lighting using light emitting diodes for use in internal combustion engine vehicles and non-externally chargeable hybrid electrified vehicles as an innovative technology for reducing CO_2 emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council

(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) On 6 September 2018, 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, Hyundai Motor Europe Technical Center GmbH, Škoda Auto a.s., BMW AG, Renault SA, Honda Motor Europe Ltd, Volkswagen AG and Volkswagen AG Nutzfahrzeuge (the 'applicants'), submitted a joint application for the approval of efficient vehicle exterior lighting using light emitting diodes (efficient LED lighting) for use in internal combustion engine vehicles and non-externally chargeable hybrid electrified vehicles as an innovative technology. The application has been assessed in accordance with Article 12 of Regulation (EC) No 443/2009 and Commission Implementing Regulation (EU) No 725/2011[(2)].

(2) Efficient LED lighting is a lighting module equipped with light emitting diodes sources that has lower power consumption than conventional halogen lighting.

(3) The application has been assessed in accordance with Article 12 of Regulation (EC) No 443/2009, Implementing Regulation (EU) No 725/2011 and the Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009 (Technical Guidelines, version July 2018).

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Decision (EU) 2019/1119. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) The application concerns CO_2 savings from the use of efficient LED lighting as assessed by reference to the Worldwide Harmonised Light Vehicle Test Procedure (WLTP) set out in Commission Regulation (EU) 2017/1151[(3)].

(5) Efficient LED lighting has already been approved by Commission Implementing Decisions 2014/128/EU[(4)], (EU) 2015/206[(5)], (EU) 2016/160[(6)], (EU) 2016/587[(7)] and (EU) 2016/1721[(8)] as an innovative technology capable of reducing CO_2 emissions by reference to the New European Driving Cycle (NEDC) set out in Commission Regulation (EC) No 692/2008[(9)]. Based on the experience gained from those Decisions, as well as taking into account the current application, it has been satisfactorily and conclusively demonstrated that efficient LED lighting including one or more appropriate combinations of efficient LED lights, such as the low beam headlamp, high beam headlamp, front position, front fog, rear fog, front turn signal, rear turn signal, licence plate and reversing lamps, meet the eligibility criteria referred to in Article 12 of Regulation (EC) No 443/2009 and Implementing Regulation (EU) No 725/2011.

(6) The CO_2 savings from the use of efficient LED lighting may be partially demonstrated on the WLTP test. However, the applicants have provided a testing methodology with which it can be demonstrated, in a way capable of producing repeatable, verifiable and comparable results, that the savings achieved, whilst taking the partial coverage into account, are at least 0,5 g CO_2/km.

(7) In order to ensure continuity, in particular with regard to the transition from the application of the NEDC to the WLTP CO_2 emissions test, it is appropriate to maintain halogen lighting as the baseline technology as provided for in Implementing Decisions 2014/128/EU, (EU) 2015/206, (EU) 2016/160, (EU) 2016/587, and (EU) 2016/1721.

(8) Manufacturers should have the possibility to apply with a type-approval authority for the certification of CO_2 savings from the use of efficient LED lightings in internal combustion engine vehicles and non-externally chargeable hybrid electrified vehicles. The manufacturer should for that purpose ensure that the application for certification is accompanied by a verification report from an independent verification body confirming the level of CO_2 savings to be certified and that all relevant conditions are met.

(9) If the type approval authority finds that the LED lighting does not satisfy the conditions for certification, the application for certification of the savings should be rejected.

(10) In order to facilitate a wider deployment of efficient LED lighting in new vehicles, a manufacturer should also have the possibility to apply for the certification of the CO_2 savings from several efficient LED lightings by a single certification application. It is however appropriate to ensure that, where that possibility is used, a mechanism is applied that incentivises the deployment of only those LED lighting that offer the highest efficiency.

(11) The CO_2 savings certified pursuant to this Decision are to be taken into account for the calculation of the average specific CO_2 emissions of manufacturers starting from calendar year 2021.

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(12) For the purposes 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], the individual code to be used for the innovative technology for efficient LED Lightings for internal combustion engine vehicles and non-externally chargeable hybrid electrified vehicles should be specified,

HAS ADOPTED THIS DECISION:

Article 1

Approval

The technology used in efficient light emitting diodes (LED) lighting is approved as an innovative technology within the meaning of Article 12 of Regulation (EC) No 443/2009, where that innovative technology is used for the purpose of external lighting in internal combustion engine passenger cars and non-externally chargeable hybrid electrified passenger cars.

Article 2

Definition

For the purpose of this Decision, efficient LED lighting means a technology consisting of a lighting module that is equipped with light emitting diode (LED) sources that are used for the exterior lighting of a vehicle and that has a lower power consumption than conventional halogen lighting.

Article 3

Application for certification of CO_2 savings

1 Any manufacturer may apply for the certification of CO_2 savings from one or several exterior efficient LED lightings where those are used for the external lighting of internal combustion engine M_1 vehicles and non-externally chargeable hybrid electrified M_1 vehicles. The efficient LED lighting shall include one or a combination of the following LED lights:

a low beam headlamp (including adaptative 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 lamp.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Decision (EU) 2019/1119. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The LED light or the combination of LED lights forming the efficient LED lighting shall as a minimum provide the CO_2 reduction specified in Article 9(1)(b) of Implementing Regulation (EU) No 725/2011 as demonstrated using the testing methodology set out in the Annex to this Decision.

2 An application for the certification of the savings from one or a combination of efficient LED lighting shall be accompanied by an independent verification report confirming that the conditions set out in paragraph 1 are met.

3 The type approval authority shall reject the application for certification if it finds that the conditions set out in paragraph 1 are not met.

Article 4

Certification of CO_2 savings

1 The reduction in CO_2 emissions from the use of an efficient LED lighting referred to in Article 3(1) shall be 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 LED lighting referred to in Article 3(1) in relation to one vehicle version, the type approval authority shall determine which of the efficient LED lighting tested delivers the lowest CO_2 savings, and record the lowest value in the relevant type approval documentation. That value shall be indicated in the certificate of conformity in accordance with Article 11(2) of Implementing Regulation (EU) No 725/2011.

[[F1]2a 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 a bi-fuel vehicle using petrol and gaseous fuels, the CO_2 savings with regard to LPG or CNG fuels;

(b) for a flex-fuel vehicle using petrol and E85, the CO_2 savings with regard to petrol.**]**

3 The type approval authority shall record the verification report and the test results on the basis of which the savings were determined and shall make that information available to the Commission on request.

Textual Amendments

F1 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).

[[F2]*Article 5*

Transitional period and eco-innovation codes

1 Until 24 March 2021, a manufacturer may apply for certification of the CO_2 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.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Decision (EU) 2019/1119. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

2 Where the manufacturer applies for certification of the CO_2 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 CO_2 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.**]**

Textual Amendments

F2 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).

Article 6

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*.