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Delegations will find attached document C(2023) 3501 final.

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Brussels, 5.6.2023
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COMMISSION DELEGATED REGULATION (EU) .../...

of 5.6.2023

**amending Regulation (EU) 2019/631 of the European Parliament and of the Council
setting CO₂ emission performance standards for new passenger cars and for new light
commercial vehicles**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2019/631 sets CO₂ emission performance standards for new passenger cars and light commercial vehicles.

According to Article 10(4) of that Regulation, the Commission may grant a derogation from the specific emissions target calculated in accordance with points 1 to 4 and 6.3 of Part A of Annex I to the Regulation for a manufacturer which is responsible, together with all of its connected undertakings, for between 10 000 and 300 000 new passenger cars registered in the Union per calendar year.

According to Article 10(8) of Regulation (EU) 2019/631, the Commission is empowered to adopt delegated acts to amend Part A of Annex I for the purpose of setting out the calculation formulae for such derogation targets applicable in the calendar years 2025 to 2028 as provided for in Article 10(4)(c) of Regulation (EU) 2019/631.

Annex I of Regulation (EU) 2019/631 provides the methods for calculating the specific emissions targets for manufacturers of passenger cars and light commercial vehicles.

According to Article 15(8) of Regulation (EU) 2019/631, the Commission is empowered to adopt delegated acts in order to amend Annex I to take account of the change in test procedure from the New European Driving Cycle (NEDC) test procedure to the Worldwide harmonised Light vehicle Test Procedure (WLTP). On this basis, Annex I to the Regulation was last amended by Commission Delegated Regulation (EU) 2020/2173¹, but a further clarification is needed on how the targets for calendar years 2021 to 2024 should be calculated in case of pooling.

Annexes II and III to Regulation (EU) 2019/631 detail the content and format of the information that Member States or manufacturers have to record and report annually to the Commission for each new passenger car and new light commercial vehicle registered in their territory.

According to Article 7(8) of Regulation (EU) 2019/631, the Commission is empowered to adopt delegated acts in order to amend the data requirements and data parameters set out in Annexes II and III to the Regulation.

Based on the experience gained since the entry into application of Regulation (EU) 2019/631, its Annexes II and III should be updated.

In particular, in line with point 1.2.4 of Part A of Annex III to Regulation 2019/631, the B₀ value to be used by manufacturers to calculate the monitoring mass (M_{mon}) and the base vehicle default mass (DM_{base}) should be adjusted on the basis of the mass in running order of the incomplete base vehicle for all completed vehicles registered in calendar years 2018, 2019 and 2020.

In addition, certain obsolete provisions should be removed from Annexes II and III.

¹ Commission Delegated Regulation (EU) 2020/2173 of 16 October 2020 amending Annexes I, II and III to Regulation (EU) 2019/631 of the European Parliament and of the Council to update the monitoring parameters and clarify certain aspects relating to the change in the regulatory test procedure; OJ L 433, 22.12.2020, p. 1.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Member States' authorities, vehicle manufacturers, automotive suppliers and NGOs have been consulted on this draft Delegated Regulation in their capacity as members of the Commission Expert Group for policy development and implementation of CO₂ from Road Vehicles in October and November 2022. The comments submitted have been duly considered and taken into account, as appropriate.

In addition, stakeholders' comments on the draft Delegated Regulation were collected in the context of the Better Regulation feedback mechanism during the period between 13 February 2023 and 13 March 2023. 25 comments were received via the online platform 'Have your Say'². In addition, comments from 1 stakeholder were received via email, sent to the relevant Commission service.

The comments received through the portal were either of a general nature or were not relevant to the scope of the present delegated act. Such comments were therefore not taken into account in the context of the present delegated act.

The comments received via email were pertinent to the scope of the present delegated act and were taken into account, as appropriate.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal bases for the delegated Regulation are set out in Articles 7(8), 10(8) and 15(8) of Regulation (EU) 2019/631.

Annex I to this delegated act amends Annex I to Regulation (EU) 2019/631, in order to further specify the calculation method for the specific emissions targets applying in the years 2021 to 2024 for pools of manufacturers in view of the change from the NEDC to the WLTP test procedure.

It also amends Annex I to Regulation (EU) 2019/631 to specify the calculation formula for the derogation targets for "niche" car manufacturers applicable in the calendar years 2025 to 2028.

Moreover, it amends Annex I to Regulation (EU) 2019/631 to update the definition of "TM" for the calculation of the future emission targets for manufacturers of light commercial vehicles.

Annex II to this delegated act amends Annex II to Regulation (EU) 2019/631 in order to update the CO₂ emission monitoring information that needs to be collected and annually reported by Member States or manufacturers.

Annex III to this delegated act amends Annex III to Regulation (EU) 2019/631 in order to provide for an adjustment of the B₀ value for light commercial vehicles, as well as to update the information that needs to be collected and reported by Member States and to further clarify the calculation method for the aerodynamic influence in the case of incomplete N₁ base vehicles.

² https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13439-CO2-emissions-calculation-and-monitoring-methods-for-multi-stage-vans-update-_en

COMMISSION DELEGATED REGULATION (EU) .../...

of 5.6.2023

amending Regulation (EU) 2019/631 of the European Parliament and of the Council setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles

(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 510/2011³, and in particular Article 7(8), Article 10(8), second subparagraph, and Article 15(8) thereof,

Whereas:

- (1) Annex I to Regulation (EU) 2019/631 provides detailed methods for the calculation of the specific emissions targets for manufacturers of passenger cars and of light commercial vehicles.
- (2) Since 1 January 2021, the CO₂ emission standards are based on CO₂ emissions data determined in accordance with the Worldwide harmonised Light vehicle Test Procedure (WLTP) as set out in Commission Regulation (EU) 2017/1151⁴. Annex I to Regulation (EU) 2019/631 has been amended by Commission Delegated Regulation (EU) 2020/2173⁵ to take account of the introduction of the WLTP, by clarifying how the specific emissions targets of particular types of manufacturers are to be determined. However, further clarification is needed for manufacturers that are members of a pool in order to provide for the calculation method for the specific emissions targets for the calendar years 2021 to 2024.
- (3) Part A of Annex I to Regulation (EU) 2019/631 specifies the calculation method for the derogation targets applicable in the calendar years 2021 to 2024. For legal certainty, it is necessary to specify the calculation method also for the derogation targets applicable in the calendar years 2025 to 2028, as referred to in Article 10(4), second subparagraph, point (c), of that Regulation.

³ OJ L 111, 25.4.2019, p. 13.

⁴ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).

⁵ Commission Delegated Regulation (EU) 2020/2173 of 16 October 2020 amending Annexes I, II and III to Regulation (EU) 2019/631 of the European Parliament and of the Council to update the monitoring parameters and clarify certain aspects relating to the change in the regulatory test procedure (OJ L 433, 22.12.2020, p. 1).

- (4) In order to distinguish between the case of complete and incomplete base vehicles, the definition of test mass ('TM') for the average test mass in kilograms of all new light commercial vehicles set out in Part B, point 6.2.1., of Annex I to Regulation (EU) 2019/631 should be adapted.
- (5) Annexes II and III to Regulation (EU) 2019/631 specify the type and format of the data to be collected by Member States, or manufacturers, and transmitted annually to the Commission concerning new passenger cars and new light commercial vehicles. Based on the experience gained, it has become evident that certain monitoring parameters could be removed in order to facilitate the monitoring process, as those parameters are not used for the calculation of the specific emissions targets or average specific emissions, and should therefore be removed without hampering the robust assessment of the manufacturers' compliance with their specific emissions targets. In addition, it is necessary to add certain new parameters, in particular for the purpose of the verification of the CO₂ emissions of vehicles in-service. Those changes to the parameters need to be reflected for the type of data to be collected in Part A of Annex II and Part A of Annex III to Regulation (EU) 2019/631 as well as for the formats for the data collection in Part B of Annex II and Part B of Annex III to that Regulation.
- (6) Annex III to Regulation (EU) 2019/631 details a procedure for manufacturers to calculate the CO₂ emissions and mass values in the case of light commercial vehicles that are type-approved in multiple stages. In the case of an individual incomplete base vehicle, the vehicle mass is to be calculated in accordance with Part A, point 1.2.4, of Annex III to Regulation (EU) 2019/631, taking into account the body mass value (B₀), which has been set at 1,375 for the calculations relating to calendar year 2021. For the calendar years from 2022 to 2024, that value should be revised based on the average of the mass in running order of new incomplete base vehicles registered in the Union in the calendar years 2018, 2019 and 2020.
- (7) In the absence of the final CO₂ monitoring data for new light commercial vehicles for the calendar year 2020, the revision of the B₀ value could not be finalised by 31 October 2021 as provided for in Part A, point 1.2.4, of Annex III to Regulation (EU) 2019/631. Taking into account that revising the B₀ value using only the data for the calendar years 2018 and 2019 would have resulted in a value that was very close to the current B₀ value and in order to facilitate the implementation and provide legal certainty for the manufacturers concerned, it is appropriate to maintain the currently applicable B₀ value for the calendar year 2022. For the calendar years 2023 and 2024, the revised B₀ value has been calculated based on the final monitoring data for light commercial vehicles for the calendar years 2018, 2019 and 2020. Furthermore, to provide legal certainty for manufacturers after 2024, it is necessary to clarify that the revised B₀ value remains applicable also in the years after 2024.
- (8) A clarification is needed to better take into account the different ways to determine the aerodynamic influence in the case of incomplete N₁ base vehicles as part of the calculation of the monitoring CO₂ emissions.
- (9) Part B of Annex III to Regulation (EU) 2019/631 contains certain information relating in particular to the NEDC regulatory test procedure that has become obsolete, and should therefore be deleted.
- (10) Regulation (EU) 2019/631 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/631 is amended as follows:

- (1) Annex I is amended as set out in Annex I to this Regulation.
- (2) Annex II is amended as set out in Annex II to this Regulation.
- (3) Annex III is amended as set out in Annex III to this Regulation.

Article 2

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

The following points shall apply from 1 January 2024:

- (a) point (1)(a)(ii) and (iii) and point (2)(b) and (c) of Annex II;
- (b) point (1)(a)(iii) and (v) and point (3)(c) and (e) of Annex III.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5.6.2023

For the Commission
The President
Ursula VON DER LEYEN