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Delegations will find attached document [\[...\]](#)(2022) XXX draft - D 082562/3.

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EUROPEAN  
COMMISSION

Brussels, **XXX**  
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[...] (2022) **XXX** draft

**COMMISSION REGULATION (EU) .../...**

**of **XXX****

**amending Commission Regulation (EU) 2017/1151 as regards the emission type  
approval procedures for light passenger and commercial vehicles**

(Text with EEA relevance)

# COMMISSION REGULATION (EU) .../...

of **XXX**

## **amending Commission Regulation (EU) 2017/1151 as regards the emission type approval procedures for light passenger and 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 (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 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<sup>1</sup>, and in particular Articles 5(3) and 14(3) thereof,

Whereas:

- (1) Regulation (EC) No 715/2007 regulates type approval of motor vehicles with regard to their emissions. To that end, it requires new light passenger and commercial vehicles to comply with certain emission limits. The specific technical provisions necessary to implement that Regulation are contained in Commission Regulation (EU) 2017/1151<sup>2</sup>. Given that Regulation (EU) 2018/858<sup>3</sup> regulates the type approval of motor vehicles, it is appropriate to align the definitions of Commission Regulation (EU) 2017/1151 with those of Regulation (EU) 2018/858 in order to achieve a uniform understanding in type approval legislation<sup>2</sup>.
- (2) The provisions on access to vehicle on-board diagnostics (OBD) information and vehicle repair and maintenance information laid out in Chapter III of Regulation EC No 715/2007 have been integrated in Chapter XIV of Regulation (EU) 2018/858, which applies since 1 September 2020. In order to align the legislation, it is appropriate to delete, the provisions in Regulation (EU) No 2017/1151 relating to access to such information.
- (3) Since the introduction of the real driving emission (RDE) methodology in the requirements for vehicle testing by Regulation (EU) 2016/427, which was taken over in Annex IIIA to Regulation (EU) 2017/1151, all vehicles may be tested at low ambient temperatures. The specific requirement to present information that the nitrogen oxides (NOx) pollution control devices reach sufficiently high temperature within 400 seconds at -7 °C is therefore redundant and should be deleted.

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<sup>1</sup> OJ L 171, 29.6.2007, p. 1.

<sup>2</sup> 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 Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p.1).

- (4) In order to allow monitoring the consumption of fuel and/or electric energy for all types of vehicles covered by this Regulation, the requirements for such monitoring should apply to vehicles of N<sub>2</sub> category. As this is a new requirement for that category, it is appropriate to allow vehicle manufacturers sufficient time to comply with that requirement.
- (5) In order to identify whether a tested vehicle operates in the base emission strategy (BES) or in an auxiliary emission strategy (AES) an appropriate indication of AES activation should be introduced in vehicles informing when an AES is used. Therefore, appropriate lead time is needed in order to introduce such indicator in all new vehicles.
- (6) A formal documentation package should be made available to allow other type approval authorities, technical services, third parties, the Commission or market surveillance authorities to understand whether higher emissions than expected during testing under certain conditions could be attributed to an AES.
- (7) Given that Regulation (EU) 2018/858 allows third parties for the in-service conformity (ISC) testing, the provisions for ISC checks need to be adapted.
- (8) The application of ISC checks is to be facilitated by an electronic platform on ISC. The development of this platform showed the need for certain changes in the transparency lists. At the same time, the transparency lists should be streamlined to contain only the necessary elements for ISC testing.
- (9) A UN Regulation on Real Driving Emissions (RDE) is being developed in the UN World Forum for Harmonization of Vehicle Regulations with improvements in the structure and other elements of the RDE methodology. Those improvements have not yet been formally adopted, but as they represent the latest technical developments, it is necessary to introduce them in Regulation (EU) 2017/1151.
- (10) The Joint Research Centre published two review reports in 2020<sup>3</sup> and 2021<sup>4</sup> on the assessment of the PEMS margins used in the RDE procedure representing the latest state of knowledge on the performance of portable emission measurement systems. It is therefore appropriate to lower the PEMS margins in line with the best available scientific knowledge contained in these reports. The lowering of the PEMS margins should be accompanied by changes in the methodology of the calculation of the results of an RDE test.
- (11) The Worldwide Harmonised Light-duty Test Procedure (WLTP) was first adopted in the UN World Forum for Harmonization of Vehicle Regulations as Global Technical Regulation (GTR) No 15<sup>5</sup> and later as UN Regulation No 154<sup>6</sup>. Certain amendments have been introduced to the WLTP methodology in the UN in order to take into account the latest developments of technical progress. It is therefore appropriate to align the WLTP methodology laid down in Regulation (EU) 2017/1151 with the UN Regulation.

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<sup>3</sup> Valverde Morales, V., Giechaskiel, B. and Carriero, M., Real Driving Emissions: 2018-2019 assessment of Portable Emissions Measurement Systems (PEMS) measurement uncertainty, EUR 30099 EN, Publications Office of the European Union, Luxembourg, 2020, ISBN 978-92-76-16364-0, doi:10.2760/684820, JRC114416.

<sup>4</sup> Giechaskiel, B., Valverde Morales, V. and Clairotte, M., Real Driving Emissions (RDE): 2020 assessment of Portable Emissions Measurement Systems (PEMS) measurement uncertainty, EUR 30591 EN, Publications Office of the European Union, Luxembourg, 2021, ISBN 978-92-76-30230-8, doi:10.2760/440720, JRC124017.

<sup>5</sup> Global technical regulation No. 15 on Worldwide harmonized Light vehicles Test Procedure

<sup>6</sup> [Publication office please enter the confirmed reference]

- (12) UN Regulation No 154 covers two sets of regional requirements, termed Level 1A and Level 1B. Although the majority of the requirements of that UN Regulation are applicable to both Level 1A and Level 1B, certain of them are specific to a particular level. For application of UN Regulation No 154 in the Union, only the level 1A requirements are relevant as only this level is based on the four phase test cycle (low, medium, high and extra-high speed) used in the Union.
- (13) To minimise complexity of this Regulation and to avoid duplication of regulatory provisions, rather than transposing the provisions of UN Regulation No 154 by this Regulation, reference to that UN Regulation should be introduced to Regulation (EU) 2017/1151.
- (14) Based on recommendations by the Joint Research Centre, it is appropriate to amend the respective test procedure for the conformity of production (CoP) assessment of carbon dioxide (CO<sub>2</sub>) emissions of vehicles, including the run-in procedure in order to allow for technical progress.
- (15) In order to reduce testing flexibilities, some specific provisions should be introduced, such as provisions on the use of computational fluid dynamics (CFD) simulation tools and its validation, as well as on the setting of a coasting functionality in dynamometer operation.
- (16) An additional gearshift calculation tool, developed by the Joint Research Centre, should be introduced as reference tool.
- (17) An update to the Type 5 test for verifying the durability of pollution control devices and updated OBD requirements is necessary to take into account the changes related to the WLTP.
- (18) Recent studies show a significant difference between the average real-world CO<sub>2</sub> emissions of plug-in hybrid electric vehicles and their CO<sub>2</sub> emissions determined by WLTP. In order to ensure that the CO<sub>2</sub> emissions determined for such vehicles are representative of real driver behaviour, the utility factors applied for the purpose of the CO<sub>2</sub> emission determination at type approval should be revised. As a first step, new utility factors should be specified on the basis of available data. As a second step, those factors should be further revised, taking into account data from fuel consumption monitoring devices on-board such vehicles and collected in accordance with Commission Implementing Regulation (EU) 2021/392<sup>7</sup>.
- (19) Some requirements introduced in this amendment, such as the indicator for AES activation, require adaptation of the vehicle. Therefore those requirements should be introduced in three distinct steps.
- (20) It is therefore appropriate to amend Regulation (EU) 2017/1151.
- (21) In order to provide Member States, national authorities and economic operators with sufficient time to prepare for the application of the rules introduced by this Regulation, the date of application of this Regulation should be deferred.
- (22) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee - Motor Vehicles,

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<sup>7</sup> Commission Implementing Regulation (EU) 2021/392 of 4 March 2021 on the monitoring and reporting of data relating to CO<sub>2</sub> emissions from passenger cars and light commercial vehicles pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council and repealing Commission Implementing Regulations (EU) No 1014/2010, (EU) No 293/2012, (EU) 2017/1152 and (EU) 2017/1153 (OJ L 77, 5.3.2021, p. 8).

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) 2017/1151 is amended as follows:

(1) Article 2 is amended as follows:

(a) the introductory phrase is replaced by the following:

‘For the purposes of this Regulation, the definitions in Regulation (EU) 2018/858\* of the European Parliament and the Council shall apply.

The following definitions shall also apply:’;

(b) point 1 is amended as follows:

(1) the introductory phrase is replaced by the following:

‘“vehicle type with regard to emissions’ means a group of vehicles which:”’;

(2) point (a) is replaced by the following:

‘(a) do not differ with respect to the criteria constituting an "interpolation family" as specified in paragraph 6.3.2 of UN Regulation No 154\*\*;’;

\*Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

\*\*UN Regulation No 154 – Uniform provisions concerning the approval of light duty passenger and commercial vehicles with regards to criteria emissions, emissions of carbon dioxide and fuel consumption and/or the measurement of electric energy consumption and electric range (WLTP) (OJ L xxx, xx.xx.2022, p. xx. [to be completed by the Publications Office before adoption, as soon as OJ publication of the 02 series of amendment to UN Regulation 154 has taken place]).

(3) point (b) is replaced by the following:

‘(b) fall in a single "CO<sub>2</sub> interpolation range" within the meaning of paragraph 2.3.2 of Annex B6 to UN Regulation No. 154 or paragraph 4.5.1. of Annex B8 to UN Regulation 154;’;

(4) in point (c), the second indent is replaced by the following:

‘–exhaust gas recirculation (with or without, internal/external, cooled/non-cooled, low/high/combined pressure)’;

(c) point 2 is replaced by the following:

‘(2) ‘EC type-approval of a vehicle with regard to emissions’ means an EU type-approval of the vehicles with regard to their tailpipe emissions, crankcase emissions, evaporative emissions and fuel consumption; ’;

(d) point 8 is amended as follows:

- (a) point (a) is replaced by the following:
    - ‘(a) number and kind of substrates, structure and material;’
  - (b) the following point (i) is added:
    - ‘(i) required reagent (if applicable);’;
  - (e) point 10 is replaced by the following:
    - ‘ (10) ‘mono fuel gas vehicle’ means a mono-fuel vehicle that is designed primarily for permanent running on LPG or NG/biomethane or hydrogen, but may also have a petrol system for emergency purposes or starting only, where the nominal capacity of the petrol tank does not exceed 15 litres; ’;
  - (f) point 11 is replaced by the following:
    - ‘ (11) ‘bi-fuel vehicle’ means a vehicle with two separate fuel storage systems that is designed to run primarily on only one fuel at a time most of the time;’ ;
  - (g) point 17 is replaced by the following:
    - ‘ (17) ‘properly maintained and used’ means, for the purpose of a test vehicle, that such a vehicle satisfies the criteria for acceptance of a selected vehicle laid down in Appendix 1 of Annex II’;
  - (h) point 20 is replaced by the following:
    - ‘ (20) ‘malfunction’ means the failure of an emission-related component or system that would result in emissions exceeding the thresholds in Table 4A of paragraph 6.8.2 of UN Regulation No. 154 or if the OBD system is unable to fulfil the basic monitoring requirements set out in Annex C5 to UN Regulation No. 154; ’;
  - (i) point 22 is replaced by the following:
    - ‘(22) ‘driving cycle’ means, in respect of vehicle OBD systems, the key-on, a driving mode where a malfunction would be detected if present, and key-off’;
  - (j) point 23 is deleted;
  - (k) the following point 23a is inserted:
    - ‘(23a) ‘third party’ means a third party complying with the requirements of Commission Implementing Regulation (EU) 2022/163\*’
    - \*Commission Implementing Regulation (EU) 2022/163 of 7 February 2022 laying down the rules on the application of Regulation (EU) 2018/858 of the European Parliament and of the Council as regards functional requirements for market surveillance of vehicles, systems, components and separate technical units (OJ L 27, 8.2.2022, p. 1).;
  - (l) point 25 is replaced by the following:
    - ‘ (25) ‘deteriorated replacement pollution control device’ means a pollution control device as defined in Article 3(11) of Regulation (EC) No 715/2007 that has been aged or artificially deteriorated to such an extent that it fulfils the requirements laid out in paragraph 1 of Appendix 1 of Annex C4 to UN Regulation No. 154’;
- (2) Article 3 is amended as follows:

- (a) paragraph 1 is replaced by the following:  
‘1. In order to receive an EC type-approval with regard to emissions, the manufacturer shall demonstrate that the vehicles comply with the requirements of this Regulation when tested in accordance with the test procedures specified in Annexes IIIA to VIII, XI, XVI, XX, XXI and XXII. The manufacturer shall also ensure that the reference fuels comply with the specifications set out in Annex IX.’;
- (b) in paragraph 2, the following subparagraph is added:  
‘In all references to UN Regulation No. 154, only the European Union related requirements characterised by level 1A shall apply. References in UN Regulation No. 154 to ‘criteria emissions’ shall be understood as references to ‘pollutant emissions’ in this Regulation.’;
- (c) in paragraph 3, the second subparagraph is replaced by the following:  
‘The emissions tests for roadworthiness purposes set out in Annex IV and the tests for fuel consumption and CO<sub>2</sub> emissions set out in Annex XXI shall be required to obtain EC type-approval with regard to emissions under this paragraph.’;
- (d) paragraph 7 is replaced by the following:  
‘7. Mono-fuel gas vehicles shall be tested in the Type 1 test for variation in the composition of either LPG or NG/biomethane, as set out in Annex B6 to UN Regulation No 154 for pollutant emissions, with the fuel used for the measurement of the net power in accordance with Annex XX of this Regulation.  
  
Bi-fuel gas vehicles shall be tested with petrol and either LPG or NG/biomethane. The tests on LPG or NG/biomethane shall be performed for variation in the composition of LPG or NG/biomethane, as set out in Annex B6 to UN Regulation No. 154 for pollutant emissions, and with the fuel used for the measurement of the net power in accordance with Annex XX of this Regulation.’
- (e) paragraph 10, second and fifth subparagraph are deleted;
- (f) paragraph 11, the first and the second subparagraph are replaced by the following:  
‘11. The manufacturer shall ensure that, throughout the normal life of a vehicle which is type approved in accordance with Regulation (EC) No 715/2007, its final RDE emission results as determined in accordance with Annex IIIA and emitted at any Type 1a test performed in accordance with that Annex, do not exceed the emission limits for NO<sub>x</sub> and PN.  
  
Type approval in accordance with Regulation (EC) No 715/2007 may only be issued if the vehicle is part of a validated PEMS test family in accordance with point 3.3 of Annex IIIA.’;
- (3) In Article 4, paragraphs 4, 5 and 6 are replaced by the following:  
‘4. When tested with a defective component in accordance with Appendix 1 of Annex C5 to UN Regulation No. 154, the OBD system malfunction indicator shall be activated.



The OBD system malfunction indicator may also activate during this test at levels of emissions below the OBD thresholds specified in Table 4A of paragraph 6.8.2 of UN Regulation No. 154.

5. The manufacturer shall ensure that the OBD system complies with the requirements for in-use performance set out in Section 1 of Appendix 1 to Annex XI under all reasonably foreseeable driving conditions.

6. In-use performance related data to be stored and reported by a vehicle's OBD system according to the provisions of Section 1 of Appendix 1 to Annex XI shall be made readily available by the manufacturer to national authorities and independent operators without any encryption.’;

(4) In Article 4a, the –introductory phrase is replaced by the following:

‘The manufacturer shall ensure that the following vehicles of categories M1, N1 and N2 are equipped with a device for determining, storing and making available data on the quantity of fuel and/or electric energy used for the operation of the vehicle.’;

(5) Article 5 is amended as follows:

(a) the title is replaced by:

‘Application for EC type-approval of a vehicle with regard to emissions’;

(b) paragraph 1 is replaced by the following:

‘1. The manufacturer shall submit to the approval authority an application for EC type-approval of a vehicle with regard to emissions.’;

(c) paragraph 3 is amended as follows:

(1) point (a) is replaced by the following:

‘(a) in the case of vehicles equipped with positive-ignition engines, a declaration by the manufacturer of the minimum percentage of misfires out of a total number of firing events that either would result in emissions exceeding the OBD thresholds laid out in Table 4A of paragraph 6.8.2 of UN Regulation No. 154 if that percentage had been present from the start of a type 1 test as chosen for the demonstration in accordance with Annex C5 to UN Regulation No. 154 or could lead to an exhaust catalyst, or catalysts, overheating prior to causing irreversible damage;’;

(2) points (d) to (g) are replaced by the following:

‘(d) a declaration by the manufacturer that the OBD system complies with the provisions of section 1 of Appendix 1 to Annex XI relating to in-use performance under all reasonably foreseeable driving conditions;

(e) a plan describing the detailed technical criteria and justification for incrementing the numerator and denominator of each monitor that must fulfil the requirements of paragraphs 7.2 and 7.3. of Appendix 1 to Annex C5 of UN Regulation No 154, as well as for disabling numerators, denominators and the general denominator under the conditions outlined in paragraph 7.7 of Appendix 1 to Annex C5 of UN Regulation No 154;

(f) a description of the provisions taken to prevent tampering with and modification of the emission control systems, including the emission control computer and odometer including the recording of mileage values for the purposes of the requirements of Annexes XI and XVI;

- (g) if applicable, the particulars of the vehicle family as referred to in paragraph 6.8.1. of UN Regulation No 154;’;
- (d) in paragraph 6, the first and the second subparagraph are replaced by the following:
- ‘For the purposes of paragraph 3, points (d) and (e), approval authorities shall not approve a vehicle if the information submitted by the manufacturer is inappropriate for fulfilling the requirements of section 1 of Appendix 1 to Annex XI.
- Paragraphs 7.2, 7.3 and 7.7 of Appendix 1 to Annex C5 of UN Regulation No 154 shall apply under all reasonably foreseeable driving conditions.’;
- (e) paragraph 11 is amended as follows:
- (a) the following second subparagraph is inserted:
- ‘For vehicles approved under the character EB and EC as defined in Table 1, Appendix 6 to Annex I, the manufacturer shall introduce an indicator (AES Flag or Timer) to indicate when a vehicle runs in AES mode instead of BES mode. The indicator shall be available via the serial port of a standard diagnostic connector upon request of a generic scan-tool. The AES that is running shall be identifiable via the formal documentation package.’
- (b) the sixth subparagraph is replaced by the following:
- ‘The approval authority may test the functioning of AES.’
- (c) the following subparagraphs are added:
- ‘A list of AES which were deemed non-acceptable by type approval authorities shall be compiled yearly by the Forum for Exchange of Information on Enforcement and made available to the public by the Commission at the latest by end of March of the following year, in case there were AES which were deemed non-acceptable.
- The manufacturer shall also provide to the approval authorities a formal documentation package, as in Appendix 3a to Annex I, containing information on AES/BES that would allow an independent tester to identify if the emissions measured can be attributed to an AES or BES strategy or are potentially due to a defeat device. The formal documentation package shall be made available to all type approval authorities, technical services, market surveillance authorities, third parties and the Commission upon request.
- Vehicles of category M1 or N1 shall be approved with emission characters EA, EB or EC as specified in Table 1, Appendix 6 to Annex I, taking into account the utility factors determined in accordance with the values specified in Table A8.App5/1 of point 3.2. of Annex XXI.’;
- (f) paragraph 12 is replaced by the following:
- ‘12. The manufacturer shall also provide the type approval authority which granted the emission type-approval under this Regulation (‘granting type approval authority’) with a package on testing transparency containing the necessary information in order to allow the performance of testing in accordance with point 5.9 of Annex II.

Once the electronic platform for ISC is ready, the manufacturer shall also upload all required data into the platform for all its vehicles. The information in the transparency lists shall be limited to the prescribed information required by Appendix 5 of Annex II.'

(6) Article 6 is amended as follows:

(a) the title is replaced by the following:

'Administrative provisions for EC type-approval of a vehicle with regard to emissions';

(b) paragraph 1 is replaced by the following:

'1. If all the relevant requirements are met, the approval authority shall grant an EC type-approval and issue a type-approval number in accordance with the numbering system set out in Annex IV to Regulation (EU) 2020/683\*.

Without prejudice to the provisions of Annex IV to Regulation (EU) 2020/683, Section 3 of the type-approval number shall be drawn up in accordance with Appendix 6 to Annex I.

An approval authority shall not assign the same number to another vehicle type.'

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\* Commission Implementing Regulation (EU) 2020/683 of 15 April 2020 implementing Regulation (EU) 2018/858 of the European Parliament and of the Council with regards to the administrative requirements for the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 163, 26.5.2020, p. 1).;

(c) paragraph 2 is replaced by the following:

'2. By way of derogation from paragraph 1, at the request of the manufacturer, a vehicle with an OBD system may be accepted for type-approval with regard to emissions, even though the system contains one or more deficiencies such that the specific requirements of Annex XI are not fully met, provided that the specific administrative provisions set out in Section 3 of that Annex are complied with.

The approval authority shall notify the decision to grant such a type approval to all approval authorities in the other Member States in accordance with the requirements set out in Article 27 of Regulation (EU) 2018/858.';

(7) in Article 7, the first paragraph is replaced by the following:

'Articles 27, 33 and 34 of Regulation 2018/858 shall apply to any amendments to the type-approvals granted in accordance to Regulation (EC) No 715/2007.';

(8) in Article 8, paragraph 1 is replaced by the following:

'1. Measures to ensure the conformity of production shall be taken in accordance with Article 31 of Regulation (EU) 2018/858.

The provisions laid down in Section 4 of Annex I to this Regulation and the relevant statistical method in Appendix 2 of UN Regulation No. 154 shall apply.';

(9) Article 9 is amended as follows:

(a) the title is replaced by the following:

‘In-service conformity’;

- (b) paragraph 1 is replaced by the following:

‘1. Measures to ensure in-service conformity of vehicles type-approved under this Regulation shall be taken in accordance with the conformity of production arrangements as laid down in Article 31 of Regulation (EU) 2018/858, Annex IV to Regulation (EU) 2018/858 and Annex II to this Regulation.’;

- (c) in paragraph 4, the second sentence is replaced by the following:

‘For such families, the manufacturer shall provide the approval authority with a report of any emissions related warranty and relevant repair as set out in point 4 of Annex II.’;

- (d) paragraph 5 is replaced by the following:

‘The manufacturer and the granting type approval authority shall perform in-service conformity checks in accordance with Annex II. Other type approval authorities, technical services, the Commission and third parties may perform parts of the in-service conformity checks in accordance with Annex II. The data required to perform such checks are regulated in the Commission Implementing Regulation 2022/163\* and Annex II of this Regulation.’

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\*Commission Implementing Regulation (EU) 2022/163 of 7 February 2022 laying down the rules on the application of Regulation (EU) 2018/858 of the European Parliament and of the Council as regards functional requirements for market surveillance of vehicles, systems, components and separate technical units (OJ L 27, 8.2.2022, p. 1).;

- (e) paragraph 7 is replaced by the following:

‘7. If a type approval authority, technical service, the Commission or a third party has established that an in-service conformity family fails the in-service conformity check, it shall notify without delay the granting type approval authority, in accordance with Article 54(1) of Regulation (EU) 2018/858.

Following that notification and subject to the provisions of Article 54(5) of Regulation (EU) 2018/858, the granting approval authority shall inform the manufacturer that an in-service conformity family fails the in-service conformity checks and that the procedures laid out in points 6 and 7 of Annex II shall be followed.

If the granting approval authority establishes that no agreement can be reached with a type approval authority that has established that an in-service conformity family fails the in-service conformity check, the procedure pursuant to Article 54(5) of Regulation (EU) 2018/858 shall be initiated.’;

- (f) paragraph 8 is replaced by the following:

‘8. In addition to paragraphs 1 to 7, the following shall apply to vehicles type approved in accordance with Annex II.

(a) vehicles submitted to multi-stage type-approval, as defined in Article 3(8) of Regulation EU 2018/858, shall be checked for in-service conformity in accordance with the provisions for multistage approval set out in point 5.10.6 of Annex II to this Regulation.

(b) hearses as specified in Appendix 1 of Part III of Annex II to Regulation EU 2018/858, armoured vehicles as defined in Appendix 2 of Part III of Annex II to Regulation EU 2018/858 and wheelchair accessible vehicles as defined in Appendix 3 of Part III of Annex II to Regulation EU 2018/858 shall not be subject to the provisions of this Article. All other special purpose vehicles as defined in Appendix 4 of Part III of Annex II to Regulation EU 2018/858, shall be checked for in- service conformity in accordance with the rules for multistage type-approvals set out in Annex II to this Regulation. ’;

(10) in Article 10, paragraph 1 is replaced by the following:

‘1. The manufacturer shall ensure that replacement pollution control devices intended to be fitted to EC type-approved vehicles covered by the scope of Regulation (EC) No 715/2007 are EC type-approved, as separate technical units within the meaning of Article 10(2) of Directive 2007/46/EC, in accordance with Article 12, Article 13 and Annex XIII to this Regulation.

Catalytic converters and particulate filters shall be considered to be pollution control devices for the purposes of this Regulation.

The relevant requirements shall be deemed to be met if the replacement pollution control devices have been approved according to UN/ECE Regulation No 103\*.

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Regulation No 103 of the Economic Commission for Europe of the United Nations (UNECE) — Uniform provisions concerning the approval of replacement pollution control devices for power-driven vehicles (OJ L 207, 10.08.2017, p. 30).’;

(11) in Article 11 paragraph 3 the second subparagraph is replaced by the following:

‘The test vehicles shall comply with the requirements set out in Section 2.3 of Annex B6 to UN Regulation No 154.’;

(12) Article 13 is deleted;

(13) Article 14 is deleted;

(14) in Article 15 the following paragraphs 12, 13 and 14 are added:

’12. For vehicle types with an existing valid type approval issued before 1 September 2023, new type approval testing shall not be required if the manufacturer declares to the type approval authority that compliance with the requirements of this Regulation is ensured. Requirements not related to the testing of the vehicle, including required declarations and data requirements, apply.

13. For vehicle types with an existing valid type approval issued according to emission standard Euro 6e<sup>8</sup> for which a manufacturer requests an approval according to emission standard Euro 6e-bis<sup>9</sup>, new type approval testing shall not be required if the manufacturer declares to the type approval authority that compliance with the requirements of the Euro 6e-bis emission standard is ensured. Requirements not related to the testing of the vehicle, including required declarations and data requirements, apply.

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<sup>8</sup> as specified in Appendix 6 to Annex I

14. For vehicle types with an existing valid type approval issued according to emission standard Euro 6e-bis for which a manufacturer requests an approval according to emission standard Euro 6e-bis-FCM<sup>9</sup>, new type approval testing shall not be required if the manufacturer declares to the type approval authority that compliance with the requirements of the Euro 6e-bis-FCM emission standard is ensured. Requirements not related to the testing of the vehicle, including required declarations and data requirements, apply.’

- (15) List of Annexes and Annex I is amended as set out in Annex I to this Regulation;
- (16) Annex II is replaced by the text in Annex II to this Regulation;
- (17) Annex IIIA is replaced by the text in Annex III to this Regulation;
- (18) Annex V is amended as set out in Annex IV to this Regulation;
- (19) Annex VI is amended as set out in Annex V to this Regulation;
- (20) Annex VII is amended as set out in Annex VI to this Regulation;
- (21) Annex VIII is amended as set out in Annex VII to this Regulation;
- (22) Annex IX is amended as set out in Annex VIII to this Regulation;
- (23) Annex XI is replaced by the text in Annex IX to this Regulation;
- (24) Annex XII is amended as set out in Annex X to this Regulation;
- (25) Annex XIII is amended as set out in Annex XI to this Regulation;
- (26) Annex XIV is deleted;
- (27) Annex XVI is replaced by the text in Annex XII to this Regulation;
- (28) Annex XX is amended as set out in Annex XIII to this Regulation;
- (29) Annex XXI is replaced by the text in in Annex XIV to this Regulation;
- (30) Annex XXII is replaced by the text in Annex XV 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*.

It shall apply from 1 September 2023.

However, from 1 March 2023, national authorities shall not refuse to grant EU type approval for a new type of vehicle or grant extension for an existing type of vehicle, or prohibit registration, placing on the market or entry into service of a new vehicle, where the vehicle concerned complies with this regulation, if a manufacturer so requests.

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

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula von der Leyen*