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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	17 February 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) No .../.. of 17.2.2014 amending Annex II to Regulation (EU) No 510/2011 of the European Parliament and of the Council as regards the monitoring of CO2 emissions from new light commercial vehicles type-approved in a multi-stage process

Delegations will find attached document C(2014) 951 final.

Encl.: C(2014) 951 final



EUROPEAN
COMMISSION

Brussels, 17.2.2014
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COMMISSION DELEGATED REGULATION (EU) No .../..

of 17.2.2014

amending Annex II to Regulation (EU) No 510/2011 of the European Parliament and of the Council as regards the monitoring of CO₂ emissions from new light commercial vehicles type-approved in a multi-stage process

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 510/2011 of the European Parliament and of the Council setting emission performance standards for new light commercial vehicles as part of the EU's integrated approach to reduce CO₂ emissions from light duty vehicles requires manufacturers of the base vehicles to be responsible for the CO₂ emissions of vehicles produced in multi-stages. As a consequence, it is necessary to adjust the procedure for monitoring CO₂ emissions and other relevant technical information for this category of vehicles. This adjustment has three objectives:

- Provide the relevant data needed for calculating the specific emissions targets and evaluating the manufacturers performance in meeting those targets;
- Provide manufacturers with effective means for verifying the data;
- Provide Member States with the means to provide the necessary information without a significant increase in the number of parameters to monitor.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Expert Group on CO₂ emissions from motor vehicles have been consulted.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The amendment provides for the use of vehicle identification numbers as a basis for the monitoring system. In the case a Member States may not be in a position to deliver all data parameters requested, provision of the VIN of the new registered vehicle will permit manufacturers to complete the data records accurately. Introducing the VIN as a basis for monitoring is also in line with the more long term objective of facilitating the exchange of vehicle data for both Member States and the Commission.

It is recognised that the VIN may be considered sensitive data. As a consequence, this data should not be made public.

COMMISSION DELEGATED REGULATION (EU) No .../..

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amending Annex II to Regulation (EU) No 510/2011 of the European Parliament and of the Council as regards the monitoring of CO₂ emissions from new light commercial vehicles type-approved in a multi-stage process

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles¹, and in particular the second subparagraph of Article 8(9) thereof,

Whereas:

- (1) Annex XII to Commission Regulation (EC) No 692/2008² sets out a new method for determining the CO₂ emissions from and fuel consumption of N₁ vehicles which are type-approved in a multi-stage process (hereinafter referred to as 'multi-stage vehicles'). The new method will apply from 1 January 2014 but may already be applied on a voluntary basis since 1 January 2013.
- (2) Point 7 of part B of Annex II to Regulation (EU) No 510/2011 provides that the specific emissions of CO₂ of completed vehicles are to be allocated to the manufacturer of the base vehicle. This requires that a completed multi-stage vehicle can be recognised in the monitoring process and that the manufacturer of the base vehicle can be identified. It also requires certain data relating to the base vehicle to be determined in accordance with the methodology set out in Annex XII to Regulation (EC) No 692/2008.
- (3) The manufacturers of the base vehicle have, in accordance with Article 8(5) of Regulation (EU) No 510/2011, the right to verify the data relating to a multi-stage vehicle, on the basis of which their specific CO₂ emissions targets are calculated. It is therefore appropriate to provide the relevant data parameters ensuring that such verification may be effectively performed.

¹ OJ L 145, 31.5.2011, p. 1.

² Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending 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 (OJ L 199, 28.7.2008, p. 1).

- (4) The methodology set out in Annex XII to Regulation (EC) No 692/2008 applies with regard to incomplete and completed vehicles. However, where a complete vehicle is further transformed prior to the first registration, it should be clarified that it is the mass in running order and the CO₂ emissions of the complete vehicle that is used as a base vehicle that should be monitored and taken into account for the calculation of the specific emissions targets.
- (5) It is necessary to specify further the data that should be provided in order to ensure that the CO₂ emission performance of multi-stage vehicles can be adequately and efficiently monitored and verified.
- (6) A vehicle is identified by a vehicle identification number (hereinafter referred to as 'VIN'), i.e. an alphanumeric code assigned to the vehicle by the manufacturer in accordance with Commission Regulation (EU) No 19/2011³. Directive 2007/46/EC of the European Parliament and of the Council⁴ provides, in Section 4 of Annex XVII, that the identification number of the base vehicle shall, as the basic rule, be retained during all subsequent stages of the type-approval process to ensure the traceability of the process. Through the VIN it should therefore be possible to link the completed vehicle to a base vehicle and thus determine the base vehicle manufacturer responsible for the CO₂ emissions. Moreover, the VIN should allow the base vehicle manufacturer to verify the relevant data related to the base vehicle. As there are no other parameters that can provide that kind of link, it is appropriate to require Member States to monitor and report VINs of newly registered N₁ vehicles to the Commission through the data collection system of the European Environment Agency (EEA).
- (7) In order to calculate the specific emissions targets with regard to multi-stage vehicles, it is necessary, in accordance with point 7 of Part B of Annex II to Regulation (EU) No 510/2011, to consider the default added mass determined in accordance with point 5.3 of Annex XII to Regulation (EC) No 692/2008. This will require the monitoring and reporting of the mass in running order of the base vehicle and the technically permissible maximum laden mass of that vehicle, through which the default added mass may be determined, or, alternatively, the monitoring and reporting of the default added mass itself. Moreover, in order to determine whether a multi-stage vehicle falls within the scope of Regulation (EU) No 510/2011, it is necessary to verify that the reference mass of the completed vehicle does not exceed the limits referred to in Article 2(1) of that Regulation.
- (8) Where Member States are not able to provide all the parameters required pursuant to Annex II to Regulation (EU) No 510/2011 due to the design of their system for registration of data relating to new light commercial vehicles, those parameters may be provided by the manufacturers concerned in the notification referred to in Article 8(5) of Regulation (EU) No 510/2011.

³ Commission Regulation (EU) No 19/2011 of 11 January 2011 concerning type-approval requirements for the manufacturer's statutory plate and for the vehicle identification number of motor vehicles and their trailers and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 8, 12.1.2011, p. 1).

⁴ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (OJ L 263, 9.10.2007, p. 1).

- (9) For that same reason, manufacturers may, in accordance with Commission Implementing Regulation (EU) No 293/2012⁵, provide the Commission and the EEA with the VINs they assigned to vehicles sold in the preceding calendar year or for which a warranty was issued in that year.
- (10) VINs may, following the registration of a vehicle for its entry into service in road traffic, be linked to datasets permitting the identification of the owner of the vehicle. The VIN by itself is, however, not a carrier of personal data and the processing of data for the purposes of Regulation (EU) No 510/2011 does not require access to or the processing of any linked personal data. The monitoring and reporting of VINs is therefore not considered as processing of personal data falling within the scope of Directive 95/46/EC of the European Parliament and of the Council⁶ or Regulation (EC) No 45/2001 of the European Parliament and of the Council⁷. Nevertheless, it is recognized that VINs may be considered to be sensitive data, *inter alia* with regard to the prevention of vehicle theft, and it is therefore appropriate to ensure that the VINs reported to the Commission and the EEA are not made public.
- (11) By matching the VINs reported by the Member States with those provided by the manufacturers, the Commission, supported by the EEA, should identify the manufacturers and the vehicles concerned and prepare the provisional dataset in accordance with Article 10b of Implementing Regulation (EU) No 293/2012.
- (12) In order to ensure full parallelism of the monitoring requirements under Regulation (EU) No 510/2011 with those applicable to passenger cars under Regulation (EC) No 443/2009 of the European Parliament and of the Council⁸, it is appropriate to adapt the requirements in Annex II to Regulation (EU) No 510/2011 on the provision of aggregated data and the methodology for determining the CO₂ monitoring information for light commercial vehicles.
- (13) Annex II to Regulation (EU) No 510/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) No 510/2011 is amended in accordance with the Annex to this Regulation.

⁵ Commission Implementing Regulation (EU) No 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (OJ L 98, 4.4.2012, p. 1).

⁶ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁷ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁸ 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 CO₂ emissions from light-duty vehicles (OJ L 140, 5.6.2009, p. 1).

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*.

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

Done at Brussels, 17.2.2014

For the Commission
The President
José Manuel BARROSO