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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 2 June 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 2.6.2017  
amending Annexes I and II to Regulation (EC) No 443/2009 of the  
European Parliament and of the Council for the purpose of adapting them  
to the change in the regulatory test procedure for the measurement of CO<sub>2</sub>  
from light duty vehicles

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Delegations will find attached document C(2017) 3492 final.

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Encl.: C(2017) 3492 final



Brussels, 2.6.2017  
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**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 2.6.2017**

**amending Annexes I and II to Regulation (EC) No 443/2009 of the European Parliament and of the Council for the purpose of adapting them to the change in the regulatory test procedure for the measurement of CO<sub>2</sub> from light duty vehicles**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

A new regulatory test procedure for measuring CO<sub>2</sub> emissions and fuel consumption from light duty vehicles, the World Harmonised Light Vehicles Test Procedure (WLTP), is due to enter into force, replacing the existing out-dated New European Test Cycle (the NEDC).

The WLTP is expected to provide CO<sub>2</sub> emission and fuel consumption values that are more representative of real driving conditions. The CO<sub>2</sub> targets laid down in Regulation (EC) No 443/2009 are based on the emissions measured on the NEDC. With the new test procedure the level of emissions will change. The draft Delegated Regulation sets out a mechanism for translating the NEDC based specific emission targets into WLTP values that represent a stringency comparable to that specified for the NEDC based targets.

The change to WLTP based specific emission targets should take place as soon as the WLTP is fully implemented and WLTP emission values are available for the entire EU vehicle fleet.

The change in test procedure will also require adjustments of the monitoring of the technical data set out in Annex II of Regulation (EC) No 443/2009.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

The draft Regulation is the result of a three year exercise involving consultations of a wide range of technical experts from Member States, industry and NGOs. Work has been performed in ad hoc technical working groups and has been on the agenda of the Expert Group of CO<sub>2</sub> from motor vehicles at seven occasions from 2013 to 2015.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The draft Delegated Regulation amends the formulae for calculating the annual specific emission target that a manufacturer has to comply with. In exercising this competence the Commission has to ensure, in accordance with Article 13(7) of Regulation (EC) No 443/2009, that the CO<sub>2</sub> reduction requirements specified in that Regulation by reference to CO<sub>2</sub> emission levels determined in accordance with the NEDC remain comparable following the change to the WLTP.

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

of 2.6.2017

amending Annexes I and II to Regulation (EC) No 443/2009 of the European Parliament and of the Council for the purpose of adapting them to the change in the regulatory test procedure for the measurement of CO<sub>2</sub> from light duty 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 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<sub>2</sub> emissions from light-duty vehicles<sup>1</sup>, and in particular the second subparagraph of Article 8(9) and the second subparagraph of Article 13(7) thereof,

Whereas:

- (1) A new regulatory test procedure for measuring CO<sub>2</sub> emissions and fuel consumption from light duty vehicles, the World Harmonised Light Vehicles Test Procedure (WLTP), set out in Commission Regulation (EU) No [.../...] <sup>2</sup>[WLTP] [*Opoce to add reference*], will replace the New European Driving Cycle (NEDC), which is currently used pursuant to Commission Regulation (EC) No 692/2008<sup>3</sup>, with effect starting from 1 September 2017. The WLTP is expected to provide CO<sub>2</sub> emission and fuel consumption values that are more representative of real driving conditions.
- (2) In order to take into account the difference in the level of CO<sub>2</sub> emissions measured under the existing NEDC and the new WLTP procedures, a methodology for correlating those values has been put in place pursuant to Commission Implementing Regulation (EU) [.../...] <sup>4</sup>[*Correlation*][*Opoce to insert reference*].
- (3) The correlation methodology is to be used during the phasing-in of the WLTP until end of 2020 to ensure that manufacturers' compliance with the CO<sub>2</sub> emission targets can be verified on the basis of the NEDC emission values during that period. As a

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<sup>1</sup> OJ L 140, 5.6.2009, p. 1.

<sup>2</sup> Commission Regulation (EU) No .../... of ... .. 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....., p. ...).

<sup>3</sup> 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).

<sup>4</sup> Commission Implementing Regulation (EU) .../... of ... .. setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure and amending Regulation (EU) No 1014/2010 (OJ L ...., ..., p. ...).

consequence, WLTP based specific CO<sub>2</sub> emission targets should be applied with effect from the calendar year 2021.

- (4) In 2020 the CO<sub>2</sub> emissions of all new vehicles registered is to be determined on the basis of both the NEDC and the WLTP in accordance with the correlation methodology. By monitoring both those CO<sub>2</sub> values, robust datasets should be available for comparing the level of emissions resulting from the two test procedures. Those datasets should allow the determination of WLTP based specific emission targets that are of a stringency comparable to those determined by reference to NEDC measurements in accordance with the requirement set out in Article 13(7) of Regulation (EC) No 443/2009.
- (5) For the purpose of setting a manufacturer's specific emission target in 2021, the average WLTP CO<sub>2</sub> emissions of the new cars registered in 2020 should be used as reference value. The specific emission target should be determined by either increasing or decreasing that reference value proportionally to the manufacturer's performance in meeting its NEDC based target in 2020.
- (6) In order to ensure that the WLTP based specific emission targets remain comparable over time, account should be taken of annual changes in the average mass of the manufacturer's fleet.
- (7) A number of new parameters should be added to the detailed data that is to be monitored following the introduction of the WLTP. Under the WLTP the CO<sub>2</sub> emission values are to be calculated taking into account the specific configuration of each individual vehicle. In order to ensure that the vehicles can be identified and the data effectively verified by manufacturers as well as by the Commission, it is appropriate to base the monitoring on vehicle identification numbers.
- (8) Annexes I and II to Regulation (EC) No 443/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Annexes I and II to Regulation (EC) No 443/2009 are amended in accordance with the Annex 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*.

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

Done at Brussels, 2.6.2017

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*