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Subject: Proposal for a Regulation of the European Parliament and of the Council setting CO<sub>2</sub> emission performance standards for new heavy-duty vehicles  
- Final compromise text approved by Coreper

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Contained in the Annex is the final compromise text of the Proposal for a Regulation setting emission performance standards for new heavy-duty vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emissions from heavy-duty vehicles approved by the Coreper on 22 February 2019.

PE-CONS No/xx - 2018/0143 (COD)

**REGULATION (EU) 2019/...**  
**OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of...**

**setting CO<sub>2</sub> emission performance standards for new heavy-duty vehicles**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

- (1) *The Paris Agreement, inter alia, sets out a long-term goal in line with the objective to keep the global average temperature increase well below 2 °C above pre industrial levels and to pursue efforts to keep it to 1.5 °C above pre-industrial levels. The latest scientific findings reported by the Intergovernmental Panel on Climate Change (IPCC) in its Special Report on the impacts of global warming of 1.5 °C above pre-industrial levels and related global greenhouse gas emission pathways unequivocally confirm the negative impacts of climate change. The Special Report concludes that emission reductions in all sectors are crucial to limit global warming.*
- (1a) *In order to contribute to the Paris Agreement objectives, the transformation of the entire transport sector towards zero emissions needs to be accelerated, considering the Commission Communication “A Clean Planet for all – a European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy”, which outlines a vision of the economic and societal transformations required, engaging all sectors of the economy and society, to achieve the transition to net-zero greenhouse gas emissions by 2050. Emissions of air pollutants from transport that significantly harm our health, and the environment, need also to be drastically reduced without delay.*

- (2) ■ The Commission adopted two mobility packages in May<sup>3</sup> and November 2017<sup>4</sup>. These packages set out a positive agenda *also aimed at* ensuring a smooth transition towards clean, competitive and connected mobility for all.
- (3) This Regulation is part of the third *mobility package of the Commission entitled* "Europe on the Move", which *is a follow up to the Commission's Communication: "Investing in a smart, innovative and sustainable Industry: A renewed EU Industrial Policy Strategy"*<sup>5</sup> and is designed to complete the process of enabling the Union to reap the full benefits of the modernisation and decarbonisation of mobility. The aim of *this third mobility package* is to make European mobility safer and more accessible, European industry more competitive, European jobs more secure, and the mobility system to be cleaner and better adapted to the imperative of tackling climate change. This will require the full commitment of the Union, Member States and stakeholders, not least in strengthening efforts to reduce CO2 emissions and air pollution.

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<sup>3</sup> Europe on the Move: An agenda for a socially fair transition towards clean, competitive and connected mobility for all, COM(2017) 283 final

<sup>4</sup> Delivering on low-emission mobility A European Union that protects the planet, empowers its consumers and defends its industry and workers, COM(2017) 675 final

<sup>5</sup> Investing in a smart, innovative and sustainable Industry A renewed EU Industrial Policy Strategy, COM(2017)0479 final.

- (4) This Regulation provides, together with *Regulation (EU) .../... of the European Parliament and of the Council* on the CO<sub>2</sub> emission standards for passenger cars and light commercial vehicles<sup>6</sup>, a clear pathway for CO<sub>2</sub> emissions reductions from the road transport sector and contributes to the binding target of at least a 40% domestic reduction in economy-wide greenhouse gas emissions by 2030 compared to 1990, as was endorsed in the Conclusions of the European Council of 23-24 October 2014, and approved *by the Council on 6 March 2015* as the Union Intended Nationally Determined Contribution under the Paris Agreement ■ .
- (5) The European Council Conclusions of October 2014 endorsed a greenhouse gas emissions reduction of 30% by 2030 compared to 2005 for the sectors that are not part of the Union's emissions trading system. Road transport provides a major contribution to the emissions of those sectors, *and it was responsible for around a quarter of the total Union's emissions in 2016*. Its emissions *show an increasing trend* and remain significantly above 1990 levels. If road transport emissions would increase further, it will off-set reductions made by other sectors to combat climate change.

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<sup>6</sup> Regulation (EU) No .../... of the European Parliament and of the Council setting emission performance standards for new passenger cars and for light commercial vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emission from light duty vehicles and amending Regulation (EC) No 715/2007, (OJ L, ..., ..., p. ).

- (6) The European Council Conclusions of October 2014 highlighted the importance of reducing greenhouse gas emissions and risks related to fossil fuel dependency in the transport sector through a comprehensive and technology neutral approach for the promotion of emissions reduction and energy efficiency in transport, for electric transportation and for renewable energy sources in transport also after 2020.
- (7) Energy efficiency contributing to moderation of demand is one of the five mutually-reinforcing and closely interrelated dimensions *set out in the Commission's Communication on "The Energy Union Strategy"*<sup>7</sup> *which aims* to give consumers in the Union secure, sustainable, competitive and affordable energy. The *Communication* states that, while all economic sectors must take steps to increase the efficiency of their energy consumption, transport has a huge energy efficiency potential.

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<sup>7</sup> *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank: A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy (COM(2015)0080 final).*

- (8) CO<sub>2</sub> emissions from heavy-duty vehicles, including lorries, buses and coaches, represent around 6% of total CO<sub>2</sub> emissions in the Union and about 25% of total road transport CO<sub>2</sub> emissions. Without further action taken, the share of emissions from heavy-duty vehicles is expected to grow by around 9% between 2010 and 2030. Currently, Union law does not set any CO<sub>2</sub> reduction requirements for heavy-duty vehicles, *therefore specific measures for this category of vehicles are needed without delay.*
- (8a) *CO<sub>2</sub> emissions reduction targets for the Union-wide fleets of new heavy-duty vehicles should therefore be set for 2025 and for 2030, taking into account the vehicle fleet renewal time and the need for the road transport sector to contribute to the Union climate and energy targets for 2030 and beyond. Such a stepwise approach also provides a clear and early signal for the industry to accelerate the market introduction of energy efficient technologies and zero- and low-emission vehicles. The deployment of zero-emission heavy-duty vehicles should also contribute to addressing urban mobility problems. While being essential to reduce CO<sub>2</sub> emissions from road transport, the promotion of such vehicles by manufacturers is also important for the effective reduction of air pollutants and excessive noise levels in cities and urban areas.*

- (9) In order to fully realise the energy efficiency potential and ensure that the road transport sector as a whole contributes to the greenhouse gas emission reductions agreed, it is appropriate to complement the already existing CO<sub>2</sub> emission standards for new passenger cars and light commercial vehicles by setting CO<sub>2</sub> emission performance standards for new heavy-duty vehicles. These standards will be a driver for innovation in fuel-efficient technologies, contributing to the strengthening of the technological leadership of the Union's manufacturers and suppliers *and securing high-skilled jobs in the long term.*
- (10) Taking into account that climate change is a trans-boundary problem and the need to safeguard a well-functioning single market both for road transport services as well as for heavy-duty vehicles *while avoiding market fragmentation,* it is appropriate to set CO<sub>2</sub> emission standards for heavy-duty vehicles at Union-level. Those standards should be **■** without prejudice to competition law.



- (11) In defining the reduction levels that should be achieved by the Union’s fleet of heavy-duty vehicles, account should be taken of the effectiveness of those reduction levels in delivering a cost-effective contribution to reducing emissions of the sectors covered by Regulation (EU) No 2018/842<sup>8</sup> by 2030, of the resulting costs and savings for society, manufacturers, transport operators, consumers, as well as of their direct and indirect implications for employment, innovation and co-benefits generated in terms of reduced air pollution and improved energy security.
- (11a) A socially acceptable and just transition towards zero-emission mobility should be ensured. It is therefore important to take into account the social effects of the transition throughout the whole automotive value chain and to address proactively the implications on employment. Targeted programmes at Union, national and regional levels are therefore to be considered for the re-skilling, up-skilling and redeployment of workers, as well as education and job-seeking initiatives in adversely affected communities and regions, in close dialogue with the social partners and competent authorities. As part of this transition, women’s employment as well as equal opportunities in this sector should be strengthened.*

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<sup>8</sup> *Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013, OJ L 156, 19.6.2018, p. 26–42.*

*(11b) A successful transition to zero-emission mobility requires an integrated approach and the right enabling environment to stimulate innovation and maintain the Union's technological leadership in this sector. This includes public and private investments in research and innovation, the increasing supply of zero-and low-emission vehicles, the roll-out of recharging and refuelling infrastructure, the integration into the energy systems, as well as the sustainable battery production, materials supply, re-use and recycling of batteries in Europe. This requires coherent action at EU, national, regional and local levels, including through incentives to support the uptake of zero- and low emission vehicles.*

- (12) A new procedure for determining the CO<sub>2</sub> emissions and fuel consumption of individual heavy-duty vehicles has been introduced as part of the implementation of Regulation (EC) No 595/2009<sup>9</sup>. Commission Regulation (EU) 2017/2400<sup>10</sup> provides a methodology, based on the VECTO tool, through which the CO<sub>2</sub> emissions and fuel consumption of whole heavy-duty vehicles can be simulated. The methodology allows taking into account the diversity of the heavy-duty vehicle sector and the high degree of customisation of individual vehicles. In a first step, from 1 **July** 2019, the CO<sub>2</sub> emissions are determined for four groups of heavy-duty vehicles that account for around 65% to 70% of all CO<sub>2</sub> emissions from the Union's fleet of heavy-duty vehicles.
- (13) In the light of innovation and to take account of the implementation of new technologies improving the fuel efficiency of heavy-duty vehicles, the VECTO simulation tool as well as Regulation (EU) 2017/2400 will be continuously and timely updated.

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<sup>9</sup> Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy-duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC

<sup>10</sup> Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO<sub>2</sub> emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011, OJ L 349, 29.12.2017, p. 1.

- (14) The CO<sub>2</sub> emissions data determined pursuant to Regulation (EU) 2017/2400 are to be monitored under Regulation (EU) 2018/956 of the European Parliament and of the Council<sup>11</sup>. Those data should form the basis for determining the reduction targets to be achieved by the four groups of the most emitting heavy-duty vehicles in the Union, as well as for determining a manufacturer's average specific emissions in a given *reporting period*.
- (15) A reduction target should be set for 2025 as a relative reduction based on the average CO<sub>2</sub> emissions of those heavy-duty vehicles *that were newly registered in the period from 1 July 2019 to 30 June 2020*, reflecting the deployment of readily available cost-effective technologies for conventional vehicles. *For 2030 onwards, a reduction target should also be set. That target should apply unless otherwise decided pursuant to the review to be carried out in 2022* ■ . *The 2030 target should be assessed in accordance with the European Union commitments under the Paris Agreement.*
- (15a) *To ensure the robustness of the reference CO<sub>2</sub> emissions against increasing vehicle CO<sub>2</sub> emissions by undue procedural means, which would not be representative for a situation where CO<sub>2</sub> emissions are already regulated, it is appropriate to provide a methodology for correcting the reference emissions where necessary.*

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<sup>11</sup> *Regulation (EU) 2018/956 of the European Parliament and of the Council on the monitoring and reporting of CO<sub>2</sub> emissions from and fuel consumption of new heavy-duty vehicles, OJ L 173, 9.7.2018, p.1.*

- (16) Liquefied natural gas (LNG) is an available alternative fuel to diesel for heavy duty vehicles. The deployment of current and upcoming more innovative LNG-based technologies will contribute to meeting the CO<sub>2</sub> emission targets in the short and medium term as the use of LNG technologies leads to lower CO<sub>2</sub> emissions as compared to diesel vehicles. The CO<sub>2</sub> emission reduction potential of LNG vehicles is already fully reflected in VECTO. In addition, current LNG technologies ensure a low level of air pollutant emissions such as NO<sub>x</sub> and particulate matters. A sufficient minimum refuelling infrastructure is also in place and being further deployed as part of national policy frameworks for alternative fuel infrastructure.
- (17) In calculating the ■ reference emissions serving as basis for determining the 2025 and 2030 reduction targets, the expected reduction potential of the heavy-duty fleet ■ should be taken into account. It is therefore appropriate to exclude from that calculation, vocational vehicles such as vehicles used for garbage collection or construction works. Those vehicles have a comparatively low mileage, and due to their specific driving pattern, technical measures for reducing CO<sub>2</sub> emissions and fuel consumption do not appear to be cost effective in the same way as for heavy-duty vehicles used for the delivery of goods.

- (18) The CO<sub>2</sub> reduction requirements should be expressed in grams of CO<sub>2</sub> per tonne kilometre to reflect the utility of the heavy-duty vehicles.
- (19) A fair distribution of the overall reduction requirements among the manufacturers needs to be ensured, taking into account the diversity of heavy-duty vehicles in terms of their design and driving pattern, annual mileage, payload and trailer configuration. It is therefore appropriate to distinguish the heavy-duty vehicles according to different and separate vehicle sub-groups that reflect the vehicles' typical usage pattern and specific technical characteristics. By setting annual manufacturer specific targets as a weighted average of the targets defined for each such sub-group, manufacturers are also given the means to effectively balance a possible underperformance of vehicles in certain sub-groups with an overachievement in other vehicle sub-groups, taking into account the average lifetime CO<sub>2</sub> emissions of vehicles in the different sub-groups.

- (20) A manufacturer's compliance with its annual specific targets should be assessed on the basis of its average CO<sub>2</sub> emissions. In determining the average specific emissions, the specificities that are reflected in the different vehicle sub-group targets should also be considered. As a consequence, the average specific CO<sub>2</sub> emissions of a manufacturer should be based on the average emissions determined for each sub-group including a weighting based on their assumed average annual mileage and average payload, which reflects the total lifetime CO<sub>2</sub> emissions. Due to the limited reduction potential of vocational vehicles, those vehicles should not be taken into account for the calculation of the average specific emissions.
- (21) ***In order to ensure the*** smooth transition towards zero-emission mobility ***and to*** provide incentives for the development and deployment on the Union market of zero- and low-emission heavy-duty vehicles that would complement demand-side instruments, such as the Clean Vehicle Directive 2009/33/EC of the European Parliament and of the Council<sup>12</sup>, ***a dedicated mechanism in the form of super credits should be introduced for the reporting periods before 2025 and a benchmark for the share of zero- and low-emission heavy-duty vehicles in a manufacturer's fleet should be set for the reporting periods as from 2025.***
- (21a) ***The incentive system should be designed so as to ensure investment certainty for charging infrastructure providers and manufacturers in order to promote the rapid deployment on the Union market of zero- and low-emission vehicles, while allowing certain flexibility for the manufacturers to decide on their investment timeline.***

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<sup>12</sup> Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles as amended by Directive .../.../EU [COM(2017)0653 final] (OJ L 120, 15.5.2009, p. 5).

- (22) For the purpose of calculating the average specific emissions of a manufacturer, *in the reporting periods prior to 2025*, all zero- and low-emission heavy duty vehicles should be counted multiple times. *For the reporting periods as from 2025, the average specific emissions of a manufacturer should be calculated taking into account its performance against the benchmark of zero- and low-emission vehicles.* The level of incentives should vary according to the actual CO<sub>2</sub> emissions of the vehicle. In order to avoid a weakening of the environmental objectives, the resulting *reduction* should be subject to a cap.
- (23) Low-emission heavy-duty vehicles should only be incentivised if their CO<sub>2</sub> emissions are less than half of the *reference* CO<sub>2</sub> emissions of *all vehicles in the sub-group to which the heavy-duty vehicle belongs*. This would incentivise innovation in this field.
- (24) In designing the incentive mechanism for the deployment of zero-emission heavy-duty vehicles, also smaller lorries that are not subject to the CO<sub>2</sub> emission targets under this Regulation should be included. These vehicles also have significant benefits in terms of helping to address air pollution problems in cities. In order to ensure that the incentives are well balanced between the different types of vehicles, the *reduction in the average specific emissions of a manufacturer* resulting from the zero-emission smaller lorries should therefore also be subject to a cap.



- (25) In order to promote a cost-effective implementation of the CO2 reduction requirements, while taking into account fluctuations in the fleet composition and emissions over the years, manufacturers should have the possibility to balance their overachievement in complying with their specific emission target in one year with an underperformance in another year.
- (26) In order to incentivise early reduction achievements, a manufacturer, whose average specific emissions are below the emission reduction trajectory defined by the reference emissions ■ and the 2025 target, should be able to bank those emission credits for the purpose of target compliance in 2025. Similarly, a manufacturer, whose average specific emissions are below the emission reduction trajectory between the 2025 *target* and *the target applicable from 2030 onwards*, should be able to bank those emission credits for the purpose of target compliance in the period *from 1 July 2025 to 30 June 2030*.

- (27) In case of non-compliance with its specific emission target in any of the *12-month periods starting from 1 July 2025 to 30 June 2030*, a manufacturer should also have the possibility to acquire a limited emission debt. However, by *30 June 2030* manufacturers should clear any remaining emission debt.
- (28) Emission credits and debts should be considered only for the purpose of determining a manufacturer's compliance with its specific emission target and not as assets that are transferrable or subject to fiscal measures.

- (29) The Commission should impose a financial penalty, in the form of an excess emissions premium, where a manufacturer is found to have excess emissions, taking into account the emission credits and debts. ***Information about manufacturers excess emissions should be made publicly available.*** In order to provide manufacturers with a sufficient incentive to take measures to reduce the specific CO2 emissions from heavy-duty vehicles, ***it is important that*** the premium ***exceeds*** the average marginal costs of the technologies needed to meet the targets. The methodology for collecting the premiums should be determined by means of an implementing act, taking into account the methodology adopted pursuant to Regulation (EC) No 443/2009. The premium should be considered as revenue for the general budget of the Union. ***As part of the evaluation to be performed pursuant to Regulation (EU) 2019/... [new Cars & Vans Regulation], the Commission should evaluate the possibility of allocating these amounts to a specific fund or a relevant programme that aims to ensure a just transition towards zero-emission mobility and to support re-skilling, up-skilling and skills formation of workers in the automotive sector.***

- (30) A robust compliance mechanism is necessary in order to ensure that the targets under this Regulation are met. The obligations placed on manufacturers to deliver accurate data pursuant to Regulation (EU) No **2018/956** and the administrative fines that may be imposed in the case of non-compliance with that obligation, contributes to ensuring the robustness of the data used for target compliance purposes under this Regulation.
- (31) It is essential for achieving the CO<sub>2</sub> reductions pursuant to this Regulation that the CO<sub>2</sub> emissions of heavy-duty vehicles in use are in conformity with the values determined pursuant to Regulation (EC) No **595/2009** and its implementing measures. It should therefore be possible for the Commission to take into account, in the calculation of the average specific emissions of a manufacturer, any systematic non-conformity found by type approval authorities with regard to the CO<sub>2</sub> emissions of heavy-duty vehicles in use.

- (32) In order to be in a position to take such measures, the Commission should have the powers to prepare and implement a procedure for verifying the *correspondence between the CO<sub>2</sub> emissions of heavy-duty vehicles in-service as determined in accordance with Regulation (EC) No 595/2009 and its implementing legislation with the CO<sub>2</sub> emission values recorded in the certificates of conformity, individual approval certificates or customer information files. In developing that procedure, particular consideration should be given to identifying methods, including the use of data from on-board fuel and/or energy consumption monitoring devices, for detecting strategies through which a vehicle's CO<sub>2</sub> performance is artificially improved in the certification procedure. It is recalled that where deviations or strategies artificially improving a vehicle's CO<sub>2</sub> performance are found in the course of such verifications, those findings should be considered as sufficient reasons to suspect that there is a serious risk of non-compliance with regard to the requirements laid down in Regulation (EU) 2018/858 and Regulation (EC) No 595/2009, and Member States should in that basis take the necessary measures pursuant to Chapter XI of Regulation (EU) No 2018/858.*

- (33) The effectiveness of the targets set out in this Regulation in reducing CO<sub>2</sub> emissions is strongly dependent on the *real-world* representativeness of the methodology used for determining the CO<sub>2</sub> emissions. In line with the Opinion of the Scientific Advice Mechanism (SAM)<sup>13</sup> as regards light duty vehicles, ***and the recommendation of the European Parliament following its inquiry into emission measurements in the automotive sector***, it is appropriate also in the case of heavy-duty vehicles to put in place a mechanism to assess the real-world representativeness of the CO<sub>2</sub> emissions and energy consumption values determined pursuant to Regulation (EU) 2017/2400. ***The most reliable way to ensure the real-world representativeness of those values is by using data from the on-board fuel and/or energy consumption monitoring devices.*** The Commission should ***therefore*** have the powers to ***develop the procedures needed for collecting and processing fuel and energy consumption data required for making such assessments and to*** ensure the public availability of such data and, ***whilst providing for the protection of any personal data*** .

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<sup>13</sup> High Level Group of Scientific Advisors, Scientific Opinion 1/2016 “Closing the gap between light-duty vehicle real-world CO<sub>2</sub> emissions and laboratory testing”

- (33a) *The Commission should assess how fuel and energy consumption data may help to ensure that the vehicle CO<sub>2</sub> emissions determined with the VECTO tool in accordance with Regulation (EC) No 595/2009 and its implementing legislation remain representative of real-world emissions over time for all manufacturers, and, more precisely, how such data can be used to monitor the gap between the CO<sub>2</sub> values determined by the VECTO tool and real-world CO<sub>2</sub> emissions and, where necessary, to prevent that this gap increases.*
- (34) In 2022, the Commission should assess the effectiveness of the CO<sub>2</sub> emission standards laid down in this Regulation and in particular the level of the reductions to be achieved by 2030, the modalities that should be available for achieving that target and beyond, as well as the setting of CO<sub>2</sub> reduction targets to other types of heavy-duty vehicles such as smaller lorries, *vocational vehicles*, buses, coaches and trailers. That assessment should also include, strictly for the purpose of this Regulation, considerations of heavy-duty vehicles and vehicle combinations *taking into account weights and dimensions applicable to national transport, for example modular and intermodal concepts, while also assessing possible transport safety and efficiency aspects, intermodal, environmental, infrastructural and rebound effects as well as the geographical situation of Member States.*

- (34a) *It is important to assess the full life-cycle emissions from heavy-duty vehicles at EU level. To this end the Commission should no later than 2023 evaluate the possibility of developing a common Union methodology for the assessment and the consistent data reporting of the full life-cycle CO<sub>2</sub> emissions of heavy-duty vehicles that are placed on the Union market. The Commission should adopt follow-up measures, including, where appropriate, legislative proposals.*
- (35) In order to ensure that the specific CO<sub>2</sub> emissions of heavy-duty vehicles remain representative and fully up-to-date, amendments to Regulation (EC) No 595/2009 and its implementing legislation that affect those values need be reflected in this Regulation. For that purpose, the Commission should have the powers to determine a methodology for defining a representative heavy-duty vehicle for each vehicle sub-group, on the basis of which changes of the specific CO<sub>2</sub> emissions should be assessed.



- (36) The implementing powers relating to Articles 8(3), 9(3), 11(3) and 12(2), should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>14</sup>.
- (37) In order to amend or supplement non-essential elements of the provisions of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union should be delegated to the Commission in respect of adjusting the reference CO<sub>2</sub> emissions pursuant to Article 12(2) and in respect of amending Annexes I and II as regards certain technical parameters, including the weightings of the mission profiles, the payloads, and the annual mileages as well as the payload adjustment factors. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>15</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>14</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L, 55, 28.2.2011, p. 13).

<sup>15</sup> OJ L 123, 12.5.2016, p. 1.

(38) Since the objectives of this Regulation, namely the establishment of CO<sub>2</sub> emissions performance standards for new heavy-duty vehicles, cannot be *sufficiently* achieved by the Member States *but* can *rather*, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

## Article 1

### Subject matter and objective

In order to contribute to fulfilling the Union's target of reducing its greenhouse gas emissions by 30% below 2005 levels in 2030 in the sectors covered by Article 2 of Regulation (EU) No 2018/842, and to achieving the objectives of the Paris Agreement and to ensure the proper functioning of the internal market, this Regulation sets CO<sub>2</sub> emission performance *requirements* for new heavy-duty vehicles whereby the specific CO<sub>2</sub> emissions of the Union's fleet of new heavy-duty vehicles shall be reduced compared to the reference CO<sub>2</sub> emissions as follows:

- (a) *For the reporting periods of the year 2025 onwards* by 15%;
- (b) *For reporting periods of the year 2030 and later* by 30%, *unless decided otherwise pursuant* to the review *foreseen in* Article 13.

The reference CO<sub>2</sub> emissions shall be based on the monitoring data reported pursuant to Regulation (EU) 2018/956 *for the period from 1 July 2019 to 30 June 2020, hereinafter 'the reference period'*, excluding vocational vehicles, and shall be calculated in accordance with Point 3 of Annex I.

## Article 2

### Scope

1. This Regulation shall apply to new vehicles of the categories N2 and N3 that meet the following characteristics:
  - (a) rigid lorries with an axle configuration of 4x2 and a technically permissible maximum laden mass exceeding 16 tons;
  - (b) rigid lorries with an axle configuration of 6x2;
  - (c) tractors with an axle configuration of 4x2 and a technically permissible maximum laden mass exceeding 16 tons;
  - (d) tractors with an axle configuration of 6x2.

It shall also apply, for the purposes of Article 5 and point 2.3 of Annex I, **■** to vehicles of the category N that do not fall within the scope of Regulation (EU) No 510/2011 and do not meet the characteristics set out in points (a) to (d).

*The vehicle categories mentioned above refer to the vehicle categories as defined in Annex II of Directive 2007/46/EC of the European Parliament and of the Council<sup>16</sup>.*

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<sup>16</sup> ***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 (Framework Directive) (OJ L 263, 9.10.2007, p. 1).***

2. The vehicles referred to paragraph 1 shall, for the purposes of this Regulation, be considered as new heavy-duty vehicles in a given *12-month period starting from 1 July*, if they are registered in the Union for the first time in that *period* and have not been previously registered outside the Union.

A previous registration outside the Union made less than three months before registration in the Union shall not be taken into account.

3. *The Commission shall, by means of implementing acts, adopt a specific procedure for identifying vehicles that are certified as vocational vehicles pursuant to Regulation (EC) No 595/2009 and its implementing measures but are not registered as such, and apply corrections to the annual average specific CO<sub>2</sub> emissions of a manufacturer to take those vehicles into account, starting from the reporting period of the year 2021 and for each subsequent reporting period. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).*

Article 3  
Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) ‘reference CO<sub>2</sub> emissions’ means the average of the specific emissions in ***the reference period referred to in Article 1*** of all new heavy-duty vehicles in each of the vehicle sub-groups, excluding vocational vehicles, determined in accordance with point 3 of Annex I;
- (b) ‘specific emissions’ means the CO<sub>2</sub> emissions of an individual heavy-duty vehicle determined in accordance with point 2.1 of Annex I;
- (ba) ‘reporting period of the year Y’ means the period from 1 July of the year Y to 30 June of the year Y+1;***
- (c) ‘average specific emissions’ means the average of the specific emissions of a manufacturer’s new heavy-duty vehicles in a given ***reporting period*** determined in accordance with point 2.7 of Annex I;

- (d) ‘specific emission target’ means the target of an individual manufacturer, expressed in g/tkm and determined annually for the preceding *reporting period* in accordance with point 4 of Annex I;
- (e) ‘rigid lorry’ means a lorry that is not designed or constructed for the towing of a semi-trailer’;
- (f) ‘tractor’ means a tractor unit that is designed and constructed exclusively or principally to tow semi-trailers;
- (g) ‘vehicle sub-group’ means a grouping of vehicles as defined in Point 1 of Annex I, that are characterised by a common and distinctive set of technical criteria relevant for determining the CO<sub>2</sub> emissions and fuel consumption of those vehicles;
- (h) ‘vocational vehicle’ means a heavy-duty vehicle ■ for which the CO<sub>2</sub> emissions and fuel consumption have been determined, in accordance with Regulation (EC) No 595/2009 and its implementing measures, only for other mission profiles than those defined in point 2.1 of Annex I to this Regulation;

- (i) 'manufacturer' means the person or body responsible for submitting the data relating to new heavy-duty vehicles pursuant to Article 5 of Regulation (EU) **2018/956** or, in the case of zero-emission heavy-duty vehicles, the person or body responsible to the approval authority for all aspects of the EC whole vehicle type-approval procedure or of the individual approval in accordance with Directive **2007/46/EC** and for ensuring conformity of production;
- (j) 'zero emission heavy-duty vehicle' means a heavy-duty vehicle without an internal combustion engine, or with an internal combustion engine that emits less than 1 g CO<sub>2</sub>/kWh as determined pursuant to Regulation (EC) No **595/2009** and its implementing measures, or which emits less than 1 g CO<sub>2</sub>/km as determined pursuant to Regulation (EC) No **715/2007** and its implementing measures;
- (k) 'low-emission heavy-duty vehicle' means a heavy-duty vehicle, which is not a zero-emission heavy-duty vehicle, with specific CO<sub>2</sub> emissions of less than ***half of the reference CO<sub>2</sub> emissions of all vehicles in the sub-group to which the heavy-duty vehicle belongs*** as determined pursuant to point **2.3.3 of Annex I**;



- (l) 'mission profile' means a combination of a target speed cycle, a payload value, a body or trailer configuration and other parameters, if applicable, reflecting the specific use of a vehicle, on the basis of which official CO<sub>2</sub> emissions and fuel consumption of a heavy-duty vehicle are determined;
- (m) 'target speed cycle' means the description of the vehicle velocity, which the driver wants to reach or to which he is limited by traffic conditions, as a function of the distance covered in a trip;
- (n) 'payload' means the weight of the goods or of persons that a vehicle is carrying under different conditions.

## Article 4

### Average specific emissions of a manufacturer

Starting from **1 July 2020** and in each subsequent **reporting period**, the Commission shall determine for each manufacturer the average specific CO<sub>2</sub> emissions in g/tkm for the preceding **reporting period**, by taking into account the following:

- (a) the data reported pursuant to Regulation (EU) **2018/956** for the manufacturer's new heavy-duty vehicles registered in the **preceding reporting period**, excluding vocational vehicles;
- (b) the zero- and low-emission factor determined in accordance with Article 5.

The average specific emissions shall be calculated in accordance with Point 2.7 of Annex I.

## Article 5

### Zero- and low-emission heavy-duty vehicles

1. Starting from **1 July 2020** and for each subsequent **reporting period**, the Commission shall **■** determine for each manufacturer the zero- and low-emission factor referred to in Article 4(b) for the preceding **reporting period**.

The zero- and low-emission factor shall take into account the number and the CO<sub>2</sub> emissions of zero- and low-emission heavy-duty vehicles in the manufacturer's fleet in a **reporting period**, including zero- emission vehicles of the categories referred to in the second sub-paragraph of Article 2(1), as well as zero- and low-emission vocational vehicles **and be calculated in accordance with point 2.3 of Annex I**.

**■**.

2. For the **reporting periods 2019 to 2024** the zero- and low-emission heavy-duty vehicles shall be counted as follows **for the purposes of paragraph 1**:
  - (a) a zero-emission heavy-duty vehicle shall be counted as 2 vehicles;
  - (b) a low-emission heavy-duty vehicle shall be counted as up to 2 vehicles according to a function of its specific CO<sub>2</sub> emissions and the **low-emission** threshold **of the subgroup to which the vehicle belongs as defined in point 2.3.3 of Annex I**.

**The zero- and low-emission factor shall be calculated in accordance with point 2.3.1 of Annex I.**

- 2a. **For the reporting periods as from 2025 onwards the zero-and low emission factor shall be determined on the basis of a 2% benchmark in accordance with point 2.3.2 of Annex I.**

3. The zero- and low-emission factor shall reduce the average specific emissions of a manufacturer by a maximum of 3% . The contribution of zero-emission heavy-duty vehicles of the categories referred to in the second sub-paragraph of Article 2(1) to that factor shall reduce the average specific emissions of a manufacturer by a maximum of 1.5%.

#### Article 6

#### ■ Specific emission targets *of a manufacturer*

Starting from **1 July** 2026 and for each subsequent *reporting period*, the Commission shall determine for each manufacturer a specific emission target for the preceding *reporting period*. The specific emission target shall be the sum over all vehicle-subgroups of the products of the following values:

- (a) the CO<sub>2</sub> reduction target referred to in Article 1 (a) or (b), as applicable;
- (b) the CO<sub>2</sub> reference emissions;
- (c) the manufacturer's share of vehicles in each vehicle sub-group;
- (d) the annual mileage and payload weighting factors applied to each sub-group.

The specific emission target shall be calculated in accordance with Point 4 of Annex I.

## Article 7

### Emission credits and debts

1. For the purpose of determining a manufacturer's compliance with its specific emission targets in the *reporting periods of the years* 2025 to 2029, account shall be taken of its emission credits or emission debts, which correspond to the number of new heavy-duty vehicles, excluding vocational vehicles, of the manufacturer in a *reporting period*, multiplied by the difference between:
  - (a) the CO<sub>2</sub> reduction trajectory referred to in paragraph 2 and the average specific emissions of a manufacturer, if the difference is positive ('emission credits');
  - (b) the average specific emissions and the specific emission target of a manufacturer, if that difference is positive ('emission debts').

Emission credits shall be acquired *in the reporting periods of the years* 2019 to 2029. However, the credits acquired *in the reporting periods of the years* 2019 to 2024 shall be taken into account for the purpose of determining the manufacturer's compliance with the **█** specific emission target *of the reporting period of the year 2025* only.

Emission debts shall be acquired *in the reporting periods of the years* 2025 to 2029, but the total debt shall not exceed 5% of the manufacturer's specific emission target in *the year 2025 reporting period* multiplied by the number of heavy-duty vehicles of the manufacturer in that *period* ('emission debt limit').

Emission credits and debts acquired in *the reporting periods of the years* 2025 to 2028 shall, where available, be carried-over from one calendar *reporting period* to another until *the reporting period of the year 2029* when any remaining emission debts shall be cleared.

2. The CO<sub>2</sub> reduction trajectory ■ shall be set for each manufacturer in accordance with point 5.1 of Annex I, based on a linear trajectory between the reference CO<sub>2</sub> emissions referred to in the second sub-paragraph of Article 1 and the ■ target specified *for the reporting period of the year 2025 in* in point (a) of *the first sub-paragraph of* that Article, and between the ■ target *for the reporting period of the year 2025* and the ■ target *applicable as from the reporting period of the year 2030 onwards.*

## Article 8

### Compliance with the specific emission targets

1. Where a manufacturer is found to have excess emissions pursuant to paragraph 2 in a given **reporting period** from 2025 onwards, the Commission shall impose an excess emission premium calculated in accordance with the following formula:

**(a) For the period 2025 to 2029,**

**(Excess emission premium) = (Excess emissions x 4250 €/gCO<sub>2</sub>/tkm)**

**(b) From 2030 onwards,**

**(Excess emission premium) = (Excess emissions x 6 800 €/gCO<sub>2</sub>/tkm)**

2. A manufacturer shall be deemed to have excess emissions in any of the following cases:
  - (a) Where, in any of the **reporting periods of the** years 2025 to 2028, the sum of the emission debts reduced by the sum of the emission credits exceeds the emission debt limit referred to in Article 7(1);
  - (b) In the **reporting period of the year** 2029, where the sum of the emission debts reduced by the sum of the emission credits exceeds zero;
  - (c) **From the reporting period of the year** 2030 onwards, where the manufacturer's average specific emissions exceed its specific emission target.

The excess emissions in a given **reporting period** shall be calculated in accordance with Point 6 of Annex I.

3. The Commission shall, *by means of implementing acts*, determine the means for collecting excess emissions premiums under paragraph 1 . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).
4. The amounts of the excess emissions premium shall be considered as revenue for the general budget of the Union.

## Article 9

### Verification of the monitoring data

1. Type approval authorities shall, without delay, report to the Commission deviations found in the CO<sub>2</sub> emissions of heavy-duty vehicles in service as compared to those values that are indicated in certificates of conformity or in the customer file as a result of verifications performed in accordance with the procedure referred to in *Article 11a*.
2. The Commission shall take those deviations into account for the purpose of calculating the average specific emissions of a manufacturer.
3. The Commission shall, *by means of implementing acts*, adopt detailed rules on the procedures for reporting such deviations and for taking them into account in the calculation of the average specific emissions. Those *implementing acts* shall be adopted in accordance with the examination procedure referred to in Article 14(2).



*Article 9a*

*Assessment of reference CO<sub>2</sub> emissions*

*In order to ensure the robustness and representativeness of the reference CO<sub>2</sub> emissions as a basis for calculating the EU fleet-wide emissions targets, the Commission shall, by means of implementing acts, establish the methodology for assessing the application of the conditions under which the reference CO<sub>2</sub> emissions have been determined and the criteria to determine whether those emissions have been unduly increased and, if so, how they shall be corrected.*

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).*

## Article 10

### Publication of data and manufacturer performance

1. The Commission shall, by means of implementing acts to be adopted by **30 April** each year, publish a list indicating:
  - (a) from **1 July** 2020, for each manufacturer its average specific emission of CO<sub>2</sub> in the preceding **reporting period**, referred to in Article 4;
  - (b) from **1 July** 2020, **for each manufacturer** the zero- and low-emission factor **in the preceding reporting period**, referred to in Article 5;
  - (c) from **1 July** 2026, for each manufacturer its specific emission target for the preceding **reporting period**, referred to in Article 6;
  - (d) from **1 July** 2020 until **30 June 2031**, for each manufacturer its CO<sub>2</sub> reduction trajectory, its emission credits and, from **1 July** 2026, its emission debts in the preceding **reporting period**, referred to in Article 7;
  - (e) from **July** 2026, for each manufacturer its excess emissions in the preceding **reporting period**, referred to in Article 8;
  - (f) from **1 July** 2020, the average of the specific emissions of CO<sub>2</sub> of all new heavy-duty vehicles registered in the Union in the preceding **reporting period**.

The list shall, for the publication by **30 April 2021**, include the reference CO<sub>2</sub> emissions referred to in Article 1.

2. The Commission shall adopt delegated acts in accordance with Article 15 to adjust the reference CO<sub>2</sub> emissions referred to in paragraph 1 of this Article in accordance with the following:
- (a) where the *mission profile weights or the* payload values have been adjusted pursuant to Article 12(1) *(b) or* (c), in accordance with the procedure set out in Point 1 of Annex II;
  - (b) where **■** adjustment *factors have* been determined pursuant to Article 12(2), by applying *those* adjustment *factors* to the reference CO<sub>2</sub> emissions.
  - (c) *where an undue increase in the reference CO<sub>2</sub> emissions has been determined in accordance with the methodology referred to in Article 9a, the corrected reference CO<sub>2</sub> emissions shall be published at the latest by 30 April 2022.*

The Commission shall publish the adjusted reference CO<sub>2</sub> emission values and shall apply those values for the calculation of the manufacturer specific emission targets applicable in the *reporting periods starting from the application date of* of the delegated acts adjusting the values.

## Article 11

### Real-world CO<sub>2</sub> emissions and energy consumption

1. The Commission shall monitor and assess the real-world representativeness of the CO<sub>2</sub> emissions and *energy* consumption values determined *within the framework of Regulation (EC) No 595/2009*. Furthermore, the Commission shall regularly collect data on the real-world CO<sub>2</sub> emissions and energy consumption of heavy-duty vehicles using on-board fuel and/or energy consumption monitoring devices starting with new vehicles registered from the date of application of the measures provided for by Article 5c(b) of Regulation (EC) 595/2009. It shall ensure that the public is informed of how that representativeness evolves over time.

2. For that purpose, the Commission shall ensure *that the following parameters relating to real world CO2 emissions and energy consumption of heavy-duty vehicles are made available at regular intervals to the Commission, from the date of application of the measures provided for by Article 5c(b) of Regulation (EC) 595/2009, from manufacturers, national authorities or through direct data transfer from vehicles, as the case may be:*

*(a) vehicle identification number;*

*(b) fuel and/or electric energy consumed;*

*(c) total distance travelled;*

*(d) payload;*

*(e) for externally chargeable hybrid electric vehicles, the fuel and electric energy consumed and the distance travelled distributed over the different driving modes;*

*(f) other parameters necessary to ensure that the obligation set out in paragraph 1 can be met.*

The Commission shall process the data received to create an anonymized and aggregated dataset, *including per manufacturer*, for the purposes of paragraph 1. The vehicle identification numbers shall be used only for the purpose of the data processing and shall not be retained longer than needed for that purpose.

2b. *The Commission shall, not later than two years and five months following the date of application of the measures provided for in Article 5c(b) of Regulation (EC) No 595/2009, assess how fuel and energy consumption data may be used to ensure that the vehicle CO<sub>2</sub> emissions and energy consumption values determined pursuant to Regulation (EC) No 595/2009 remain representative of real world emissions over time for each manufacturer in order to prevent the real world emissions gap from growing.*

*The Commission shall monitor and report annually how that gap evolves, and shall, with a view to preventing an increase in the gap, assess, in 2027, the feasibility of a mechanism to adjust the manufacturer's average specific CO<sub>2</sub> emissions as of 2030, and, if appropriate, submit a legislative proposal to put such a mechanism in place.*

3. The Commission may adopt, by means of implementing acts, the measures referred to in paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

## *Article 11a*

### *Verification of the CO<sub>2</sub> emissions of vehicles in-service*

- 1. Manufacturers shall ensure that the CO<sub>2</sub> emissions and fuel consumption values recorded in the customer information file referred to in Article 9(4) of Implementing Regulation (EU) 2017/2400 correspond to the CO<sub>2</sub> emissions from and fuel consumption of vehicles in-service as determined in accordance with that Regulation.*
- 2. Following the entry into force of the procedures referred to in paragraph 4, type approval authorities shall for those manufacturers to which they have granted a licence to operate the simulation tool in accordance with Regulation (EU) 595/2009 and its implementing legislation, on the basis of appropriate and representative vehicle samples, verify that the CO<sub>2</sub> emission and fuel consumption values recorded in the customer information files correspond to the CO<sub>2</sub> emission from and fuel consumption of vehicles in-service as determined in accordance with that Regulation and its implementing legislation, while considering, inter alia, using available data from on-board fuel and/or energy consumption monitoring devices.*

*They shall also verify the presence of any strategies on board or relating to the sampled vehicles that artificially improve the vehicle's performance in the tests performed or in the calculations made for the purpose of certifying the CO<sub>2</sub> emissions and fuel consumption by, inter alia, using data from on-board fuel and/or energy consumption monitoring devices.*

3. *Where a lack of correspondence, which cannot be attributed to a malfunctioning of the simulation tool, or the presence of any strategies artificially improving a vehicle's performance are found as a result of the verifications performed pursuant to paragraph 2, the responsible type approval authority shall, in addition to taking the necessary measures set out in Chapter XI of Regulation (EU) No 2018/858, ensure the correction of the customer information files, certificates of conformity and individual approval certificates as the case may be.*
  
4. *The Commission shall adopt implementing acts in accordance with Article 14 in order to determine the procedures for performing the verifications referred to in paragraph 2.*  
  
*Prior to adopting those implementing acts, the Commission shall set out the guiding principles and criteria for defining those procedures in a delegated act adopted in accordance with Article 15.*



## Article 12

### Adjustments to Annexes I and II

1. In order to ensure that the technical parameters used for the calculation of the average specific emissions of a manufacturer pursuant to Article 4 and the calculation of the specific emission targets pursuant to Article 6 take into account technical progress and the evolution of freight transport logistics, the Commission shall be empowered to adopt delegated acts in accordance with Article 15 to amend the following provisions set out in Annexes I and II
  - (a) The entries for cab type and engine power set out in Table 1 of Annex I and the definitions of ‘sleeper cab’ and ‘day cab’ referred to in that Table;
  - (b) The mission profile weights set out in Table 2 of Annex I;
  - (c) The payload values set out in Table 3 of Annex I, and the payload adjustment factors set out in Table 1 of Annex II;
  - (d) The annual mileage values set out in Table 4 of Annex I.

2. Where the type-approval procedures laid down in Regulation (EC) No 595/2009 and its implementing measures are modified **by other amendments than those provided for in paragraph 1(b) and (c)** so that the level of the CO<sub>2</sub> emissions of the representative vehicles defined pursuant to this paragraph increase or decrease by more than 5 g CO<sub>2</sub>/km, the Commission shall, in accordance with Article 10(2)(b), apply an adjustment to the reference CO<sub>2</sub> emissions referred to in Article 10(1) that shall be calculated in accordance with the formula set out in Point 2 of Annex II.
  
3. The Commission shall, by **means of** implementing acts ■ establish a methodology for defining one or more representative vehicles of a vehicle sub-group, including their statistical weightings, on the basis of which **the** adjustment **referred to in paragraph 2 of this Article** shall be determined, taking into account the monitoring data reported pursuant to Regulation (EU) 2018/956 and the technical characteristics of the vehicles listed in Article 12(1) of Regulation (EU) 2017/2400. **Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 14(2).**

## Article 13

### Review and report

**1.** By 31 December 2022, the Commission shall submit a report to the European Parliament and the Council on the effectiveness of this Regulation, the CO<sub>2</sub> reduction target **and the level of the incentive mechanism for zero- and low-emission vehicles applicable from 2030**, **the setting of CO<sub>2</sub> reduction targets to other types of heavy-duty vehicles including trailers, buses and coaches, vocational vehicles and the introduction of binding emission reduction targets for 2035 and 2040 onwards for heavy-duty vehicles. The 2030 target shall be assessed in accordance with the European Union commitments under the Paris Agreement.**

**1a.** That report shall also include an assessment of the effectiveness of the modalities addressing, in particular, **the CO<sub>2</sub> credit system and the appropriateness of prolonging the application of those modalities in 2030 and beyond.**

**Furthermore the report shall assess the modalities addressing the deployment of zero- and low-emission vehicles, taking into account the targets set out in Directive 2009/33/EC[1], [...] as well as relevant parameters and conditions affecting the placing on the market of such vehicles.**

**The report shall assess the effectiveness of the incentive mechanism for zero- and low-emission vehicles set out in Article 5 and the appropriateness of its different elements, with a view to adjusting it for the period after 2025 towards a possible differentiation by zero-emission driving range and sub-group combined with mileage payload weighting factors with an application date providing at least 3 years' lead time.**

**1b.** **The report shall include an assessment of the roll-out of the necessary recharging and refuelling infrastructure, the possibility of introducing engine CO<sub>2</sub> standards in particular for vocational vehicles, the real-world representativeness of the CO<sub>2</sub> emissions and fuel consumption values determined in accordance with Regulation (EU) 2017/2400.**

*The report shall include, strictly for the purpose of this Regulation, considerations of heavy-duty vehicles and vehicle combinations taking into account [...] weights and dimensions applicable to national transport, for example modular and intermodal concepts, while also assessing possible transport safety and efficiency aspects, intermodal, environmental, infrastructural and rebound effects as well as the geographical situation of Member States.*

*The report shall include an assessment of the VECTO simulation tool to ensure that this tool is updated continuously and in a timely manner.*

- 1c. The report shall also assess the possibility of developing a specific methodology to include [...] the potential contribution to emission reductions of the use of synthetic and advanced alternative liquid and gaseous renewable fuels, including e-fuels, produced with renewable energy and meeting sustainability and greenhouse gas emissions saving criteria according to Directive (EU) 2018/xx [RED II].*

- 1d. The report shall also evaluate the feasibility of introducing an open, transparent and non-discriminatory pooling mechanism between manufacturers.*
- 1e. The report shall assess the level of the excess emission premium to ensure that the premium exceeds the average marginal costs of the technologies needed to meet the targets.*
- 1f. The report referred to in paragraph 1 shall, where appropriate be accompanied by a proposal for amending this Regulation.*

3. *As part of the evaluation performed pursuant to Article 14(2a) of Regulation (EU) 2019/..., the Commission shall evaluate the possibility to assign the revenue from the excess emission premiums to a specific fund or a relevant programme, with the objective to ensure a just transition towards a climate-neutral economy as referred to in Article 4.1 of the Paris Agreement, in particular to support re-skilling, up-skilling, skill formation and reallocation of workers in the automotive sector in all affected Member States, in particular in the regions and the communities most affected by the transition. The Commission shall, if appropriate, make a legislative proposal to that effect by 2027 at the latest.*
  
4. *The Commission shall no later than 2023 evaluate the possibility of developing a common Union methodology for the assessment and the consistent data reporting of the full life-cycle CO<sub>2</sub> emissions of heavy-duty vehicles that are placed on the Union market. The Commission shall transmit that evaluation, including where appropriate proposals for follow-up measures, such as legislative proposals, to the European Parliament and the Council.*

Article 14  
Committee procedure

1. The Commission shall be assisted by the xxx Committee established by Regulation (EU) No .../2018 [Governance]. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

## Article 15

### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to Articles 10(2) and 12(1) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].
3. The delegation of power referred to in Articles 10(2) and 12(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated act already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.
6. A delegated act adopted pursuant to Articles 10(2) and 12(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended to two months at the initiative of the European Parliament or of the Council.



*Article 16*

*Amendment to Regulation (EC) No 595/2009*

*Regulation (EC) No 595/2009 is amended as follows:*

*(a) In the first sub-paragraph of Article 2, the following sentence is added:*

*‘It shall also apply, for the purpose of Articles 5a, 5b, and 5c, to vehicles of category O3 and O4.’*

*(b) The following Article 5a, 5b and 5c are inserted:*

*‘Article 5a*

*Specific requirements for manufacturers with regard to the environmental performance of M2, M3, N2, N3, O3 and O4 vehicles*

*1. Manufacturers shall ensure that new vehicles of category O3 and O4 that are sold, registered or put into service meet the following requirements:*

*(a) the influence of those vehicles on the CO2 emissions, fuel consumption, electric consumption and zero-emission driving range of motor vehicles is determined in accordance with the methodology referred to in Article 5c(a).*

*(b) they are fitted with on-board devices for the monitoring and recording of the payload in accordance with the requirements referred to in Article 5c(b).*

*2. Manufacturers shall ensure that new vehicles of category M2, M3, N2 and N3 that are sold, registered or put into service are fitted with on-board devices for the monitoring and recording of fuel and/or energy consumption, payload and mileage in accordance with the requirements referred to in Article 5c(b).*

*They shall also ensure that the zero-emission driving range and electricity consumption of those vehicles are determined in accordance with the methodology referred to in Article 5c(c).*

*Article 5b*

*Specific requirements for Member States with regard to the environmental performance of M2, M3, N2, N3, O3 and O4 vehicles*

- 1. National authorities shall, in accordance with the implementing measures referred to in Article 5c, refuse to grant EC type approval or national type approval in respect of new vehicle types of the categories M2, M3, N2, N3, O3 and O4 which do not comply with the requirements set out in those implementing measures.*
- 2. National authorities, shall in accordance with the implementing measures referred to in Article 5c, prohibit the sale, registration or entry into service of new vehicles of categories M2, M3, N2, N3, O3 and O4 if they do not comply with the requirements set out in in those implementing measures.*

*Article 5c*

*Measures for determining certain aspects of the environmental performance of vehicles of category M2, M3, N2, N3, O3 and O4*

*By 31 December 2021 at the latest, the Commission shall, by way of implementing acts adopted in accordance with the examination procedure referred to in Article 13a, determine the following measures:*

- (a) a methodology for assessing the performance of vehicles of category O3 and O4 with regard to their influence on the CO2 emissions, fuel consumption, electricity consumption and zero-emission driving ranges of motor vehicles;*
- (b) the technical requirements for the fitting of on-board devices for the monitoring and recording of fuel and/or energy consumption and mileage of motor vehicles of categories M2, M3, N2 and N3, and for determining and recording the payloads or total weight of vehicles meeting the characteristics set out in points (a) to (d) of Article 2(1) of Regulation [HDV CO2 Standards] and of their combinations with category O3 and O4 vehicles, including the transmission of data between vehicles within a combination, as necessary.*
- (c) a methodology for determining the zero-emission driving range and electricity consumption of new vehicles of category M2, M3, N2 and N3.'*

(e) *the following Article 13a is added:*

*‘Article 13a*

*Committee procedure*

1. *The Commission shall be assisted by the Technical Committee for Motor Vehicles established by Regulation (EU) 2018/858. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.*
2. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*
3. *Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.’*

*Article 16a*

*Amendment of Regulation (EU)*

**2018/956 (HDV M&R)**

*Regulation (EU) 2018/956 is amended as follows:*

*(a) Article 3 is replaced by the following:*

*‘Article 3*

*Definitions*

*For the purposes of this Regulation, the definitions set out in Directive 2007/46/EC of the European Parliament and of the Council, Regulation (EC) No 595/2009 and [HDV CO2 Standards Regulation] apply.’*

*(b) paragraph 1 of Article 4 is replaced by the following:*

*‘1. Starting from 1 January 2019, Member States shall monitor the data specified in Part A of Annex I relating to new heavy-duty vehicles registered for the first time in the Union.*

*By 30 September each year, starting in 2020, the competent authorities of the Member States shall report those data of the previous reporting period of 1 July to 30 June to the Commission in accordance with the reporting procedure set out in Annex II.*

*With regard to 2019, the data reported on 30 September 2020 shall include data monitored from 1 January 2019 to 30 June 2020.*

*Data relating to new heavy-duty vehicles that were registered previously outside the Union shall not be monitored and reported, unless that registration was made less than three months before registration in the Union.’*

*(c) paragraph 1 of Article 5 is replaced by the following:*

*'1. From the starting years set out in point 1 of Part B of Annex I, manufacturers of heavy-duty vehicles shall monitor the data specified in point 2 of Part B of Annex I, for each new heavy-duty vehicle.*

*By 30 September each year, from the starting years set out in point 1 of Part B of Annex I, manufacturers of heavy-duty vehicles shall report those data for each new heavy-duty vehicle with a date of simulation falling within the preceding reporting period of 1 July to 30 June to the Commission in accordance with the reporting procedure set out in Annex II.*

*With regard to 2019, manufacturers shall report the data for each new heavy-duty vehicles with a date of simulation falling within the period 1 January 2019 to 30 June 2020.*

*The date of simulation shall be the date reported in accordance with data entry 71 in point 2 of Part B of Annex I.'*

*(d) paragraph 1 of Article 10 is replaced by the following:*

*'1. By 30 April every year, the Commission shall publish an annual report with its analysis of the data transmitted by Member States and manufacturers for the preceding reporting period.'*

*(e) point 3.2 of Annex II is replaced by the following:*

*'3.2. The data relating to heavy-duty vehicles registered in the preceding reporting period and recorded in the Register shall be made public by 30 April each year, starting from 2021, with the exception of the data entries specified in Article 6(1).'*

*Article 16b*

*Amendments to Directive (EC) No 96/53*

1. *The following definition is inserted in Article 2 after the definition of 'alternatively fuelled vehicle':*

*"- 'zero-emission vehicle' means a 'zero-emission heavy duty vehicle' as defined in Article 3(j) of Regulation (EU) .../2018"*

2. *Article 10b is replaced by the following:*

*'Article 10b*

*The maximum authorised weights of alternatively fuelled or zero-emission vehicles shall be those set out in points 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.4.1, 2.2.4.2, 2.3.1, 2.3.2 and 2.4 of Annex I.*

*Alternatively fuelled or zero-emission vehicles shall also comply with the maximum authorised axle weight limits set out in point 3 of Annex I.*

*The additional weight required by alternatively fuelled or zero-emission vehicles shall be defined on the basis of the documentation provided by the manufacturer when the vehicle in question is approved. That additional weight shall be indicated in the official proof required in accordance with Article 6.*

*The Commission shall be empowered to adopt delegated acts in accordance with Article 10h to update, for the purposes of this Directive, the list of alternative fuels referred to in Article 2 that require additional weight. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts.'*

3. *Annex I to Directive (EC) No 96/53 is amended as follows:*

- (a) *The following sub-paragraph is added to the first column of the following points 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.4.1 and 2.2.4.2 as well as in their sub-points:*

*'In the case of vehicle combinations including alternatively fuelled or zero-emission vehicles, the maximum authorised weights provided for in this section shall be increased by the additional weight of the alternative fuel or zero-emission technology with a maximum of 1 tonne and 2 tonnes respectively.'*

- (b) *The following sub-paragraph is added to the first column of point 2.3.1:*

*"Zero-emission vehicles: the maximum authorised weight of 18 tonnes is increased by the additional weight of the zero-emission technology with a maximum of 2 tonnes."*

- (c) *The following sub-paragraph is added to the second column of point 2.3.2:*

*"Three-axle zero-emission vehicles: the maximum authorised weight of 25 tonnes, or 26 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognised as being equivalent within the Union as defined in Annex II, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9,5 tonnes, is increased by the additional weight of the zero-emission technology with a maximum of 2 tonnes."*

- (d) *The following sub-paragraph is added to the second column of point 2.4:*

*"Three-axle articulated buses that are zero-emission vehicles: the maximum authorised weight of 28 tonnes is increased by the additional weight of the alternative fuel technology with a maximum of 2 tonnes."*



Article 17  
Entry into force

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,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX I

### Calculation of the average specific emissions, the average specific emission target and excess emissions

#### 1. VEHICLE SUB-GROUPS

Each new heavy-duty vehicle shall be attributed to one of the sub-groups defined in Table 1 in accordance with the conditions set out therein.

**Table 1 – Vehicle sub-groups (sg)**

<b>Heavy-duty vehicles</b>	<b>Cab type</b>	<b>Engine power</b>	<b>Vehicle sub-group (sg)</b>
<b>Rigid lorries with axle configuration 4x2 and technically permissible maximum laden mass &gt; 16 tons</b>	<b>All</b>	<b>&lt;170 kW</b>	<b>4-UD</b>
	<b>Day cab</b>	<b>≥170 kW</b>	<b>4-RD</b>
	<b>Sleeper cab</b>	<b>≥170 kW and &lt;265 kW</b>	
	<b>Sleeper cab</b>	<b>≥265 kW</b>	<b>4-LH</b>
<b>Rigid lorries with axle configuration 6x2</b>	<b>Day cab</b>	<b>All</b>	<b>9-RD</b>
	<b>Sleeper cab</b>		<b>9-LH</b>
<b>Tractors with axle configuration 4x2 and technically permissible maximum laden mass &gt;16 tons</b>	<b>Day cab</b>	<b>All</b>	<b>5-RD</b>
	<b>Sleeper cab</b>	<b>&lt; 265 kW</b>	
	<b>Sleeper cab</b>	<b>≥ 265 kW</b>	<b>5-LH</b>
<b>Tractors with axle configuration 6x2</b>	<b>Day cab</b>	<b>All</b>	<b>10-RD</b>
	<b>Sleeper cab</b>		<b>10-LH</b>

"Sleeper cab" means a type of cab that has a compartment behind the driver's seat intended to be used for sleeping as reported in accordance with Regulation (EU) No **2018/956**.

"Day cab" means a type of cab that is not a sleeper cab.

If a new heavy-duty vehicle cannot be attributed to a vehicle sub-group because information on the cab type or engine power is not available, it shall be attributed to the long-haul (LH) sub-group corresponding to its chassis type (rigid lorry or tractor) and axle configuration (4x2 or 6x2).

Where a new heavy-duty vehicle is attributed to sub-group 4-UD, but data on the CO<sub>2</sub> emissions in g/km are not available for the UDL or UDR mission profiles as defined in Table 2 of point 2.1, the new heavy-duty vehicle shall be attributed to the sub-group 4-RD.

## **2. CALCULATION OF THE AVERAGE SPECIFIC EMISSIONS OF A MANUFACTURER**

### **2.1. Calculation of the specific CO<sub>2</sub> emissions of a new heavy-duty vehicle**

The specific emissions in g/km ( $CO_{2v}$ ) of a new heavy-duty vehicle  $v$ , attributed to a sub-group  $sg$  shall be calculated in accordance with the following formula:

$$CO_{2v} = \sum_{mp} W_{sg,mp} \times CO_{2v,mp}$$

Where,

$\sum mp$  is the sum is over all mission profiles  $mp$  listed in Table 2;

$sg$  is the sub-group to which the new heavy-duty vehicle  $v$  has been attributed according to Section 1 of this Annex;

$W_{sg,mp}$  is the mission profile weight specified in Table 2;

$CO_{2v,mp}$  is the CO<sub>2</sub> emissions in g/km of a new heavy-duty vehicle  $v$  determined for a mission profile  $mp$  and reported in accordance with Regulation (EU) No **2018/956**

The specific CO<sub>2</sub> emissions of a zero-emission heavy-duty vehicle shall be set to 0 g CO<sub>2</sub>/km.

The specific CO<sub>2</sub> emissions of a vocational vehicle shall be the average of the CO<sub>2</sub> emissions in g/km reported in accordance with Regulation (EU) No **2018/956**.

**Table 2 - Mission profile weights ( $W_{sg,mp}$ )**

Vehicle sub-group ( <i>sg</i> )	Mission profile <sup>1</sup> ( <i>mp</i> )						
	RDL	RDR	LHL	LHR	UDL	UDR	REL, RER, LEL, LER
4-UD	0	0	0	0	0,5	0,5	0
4-RD	0,45	0,45	0,05	0,05	0	0	0
4-LH	0,05	0,05	0,45	0,45	0	0	0
9-RD	0,27	0,63	0,03	0,07	0	0	0
9-LH	0,03	0,07	0,27	0,63	0	0	0
5-RD	0,27	0,63	0,03	0,07	0	0	0
5-LH	0,03	0,07	0,27	0,63	0	0	0
10-RD	0,27	0,63	0,03	0,07	0	0	0
10-LH	0,03	0,07	0,27	0,63	0	0	0

<sup>1</sup>Mission profile definitions

<b>RDL</b>	<b>Regional delivery payload low</b>
<b>RDR</b>	<b>Regional delivery payload representative</b>
<b>LHL</b>	<b>Long haul payload low</b>
<b>LHR</b>	<b>Long haul payload representative</b>
<b>UDL</b>	<b>Urban delivery payload low</b>
<b>UDR</b>	<b>Urban delivery payload representative</b>
<b>REL</b>	<b>Regional delivery (EMS) payload low</b>
<b>RER</b>	<b>Regional delivery (EMS) payload representative</b>
<b>LEL</b>	<b>Long haul (EMS) payload low</b>
<b>LER</b>	<b>Long haul (EMS) payload representative</b>

## 2.2. Average specific CO<sub>2</sub> emissions of all new heavy-duty vehicles in a sub-group for a manufacturer

For each manufacturer and each *reporting period*, the average specific CO<sub>2</sub> emissions in g/tkm ( $avgCO2_{sg}$ ) of all new heavy-duty vehicles in a sub-group  $sg$  shall be calculated as follows:

$$avgCO2_{sg} = \frac{\sum_v CO2_v}{V_{sg} \times PL_{sg}}$$

Where,

$\sum_v$  is the sum over all new heavy-duty vehicles of the manufacturer in the sub-group  $sg$  excluding all vocational vehicles in accordance with Article 4(a).

$CO2_v$  is the specific CO<sub>2</sub> emissions of a new heavy-duty vehicle  $v$  determined in accordance with point 2.1;

$V_{sg}$  is the number of new heavy-duty vehicles of the manufacturer in subgroup  $sg$  excluding all vocational vehicles in accordance with Article 4(a);

$PL_{sg}$  is the average payload of vehicles in the sub-group  $sg$  as determined in point 2.5.

## 2.3. Calculation of the zero- and low-emission factor as referred to in Article 5

### 2.3.1 Reporting periods 2019 to 2024

*For each manufacturer and reporting period from 2019 to 2024, the zero- and low-emission factor (ZLEV) referred to in Article 5 shall be calculated as follows:*

$$ZLEV = V / (V_{conv} + V_{zlev}) \quad \text{with a minimum of 0,97}$$

*where:*

$V$  is the number of new heavy-duty vehicles of the manufacturer with the characteristics set out in the first sub-paragraph of Article 2(1) excluding all vocational vehicles in accordance with Article 4(a);

$V_{conv}$  is the number of new heavy-duty vehicles of the manufacturer with the characteristics set out in the first sub-paragraph of Article 2(1) excluding all vocational vehicles in accordance with Article 4(a) and excluding zero- and low-emission heavy-duty vehicles;

$V_{zlev}$  is the sum of  $V_{in}$  and  $V_{out}$ ,

*where,*

$V_{in}$  is  $\sum_v (1 + (1 - CO2_v/LET_{sg}))$

- with  $\sum_v$  being the sum over all new zero- and low-emission heavy-duty vehicles with the characteristics set out in the first sub-paragraph of Article 2(1);
- $CO2_v$  is the specific  $CO_2$  emissions in g/km of a zero- and low-emission heavy-duty vehicle  $v$  determined in accordance with point 2.1.;
- $LET_{sg}$  is the low-emission threshold of the sub-group  $sg$  to which the vehicle  $v$  belongs as defined in point 2.3.3;
- $V_{out}$  is the total number of zero-emission heavy-duty vehicles of the categories referred to in the second sub-paragraph of Article 2(1), multiplied by 2, and with a maximum of 1,5% of  $V_{conv}$ .

### 2.3.2 Reporting periods from 2025 onwards

For each manufacturer and **reporting period**, the zero- and low-emission factor (ZLEV) referred to in Article 5 shall be calculated as follows:

$ZLEV = 1 - (y - x)$  unless this sum is larger than 1 or lower than 0.97 in which case the ZLEV factor shall be set to 1 or 0.97 as the case may be

Where:

$x$  is 0,02

$y$  is the sum of  $V_{in}$  and  $V_{out}$ , divided by  $V_{total}$ , where:

$V_{in}$  is the total number of newly registered low- and zero-emission heavy-duty vehicles with the characteristics set out in Article 2(1) (a) to (d), where each of them is counted as  $ZLEV_{specific}$  in accordance with the formula below:

$$ZLEV_{specific} = 1 - (CO2_v / LET_{sg})$$

Where:

$CO2_v$  is the specific  $CO_2$  emissions in g/km of a zero- and low-emission heavy-duty vehicle  $v$  determined in accordance with point 2.1,

$LET_{sg}$  is the low-emission threshold of the sub-group  $sg$  to which the vehicle  $v$  belongs as defined in point 2.3.3;

$V_{out}$  is the total number of newly registered zero-emission heavy-duty vehicles of the categories referred to in the second sub-paragraph of Article 2(1), [...] and with a maximum of 0,035 of  $V_{total}$ ;

*V<sub>total</sub> is the total number of newly registered heavy-duty vehicles of the manufacturer in that reporting period.*

*Where  $V_{in}/V_{total}$  is lower than 0,0075, the ZLEV factor shall be set to 1.*

### 2.3.3 Calculation of the low-emission threshold

*The low-emission threshold  $LET_{sg}$  of the sub-group  $sg$  is defined as follows:*

$$LET_{sg} = (rCO2_{sg} \times PL_{sg}) / 2$$

*Where:*

*$rCO2_{sg}$  is the reference  $CO_2$  emissions of the sub-group  $sg$ , as determined in point 3;*

*$PL_{sg}$  is the average payload of vehicles in the sub-group  $sg$  as determined in point 2.5.*

### 2.4. Calculation of the manufacturer's share of vehicles in a sub-group

For each manufacturer and each *reporting period*, the share of new heavy-duty vehicles in a sub-group  $share_{sg}$  shall be calculated as follows:

$$share_{sg} = \frac{V_{sg}}{V}$$

Where,

$V_{sg}$  is the number of new heavy-duty vehicles of the manufacturer in a subgroup  $sg$  excluding all vocational vehicles in accordance with Article 4(a);

$V$  is the number of new heavy-duty vehicles of the manufacturer excluding all vocational vehicles in accordance with Article 4(a).

### 2.5. Calculation of the average payload values of all vehicles in a sub-group

The average payload value  $PL_{sg}$  of a vehicle in a sub-group  $sg$  shall be calculated as follows:

$$PL_{sg} = \sum_{mp} W_{sg,mp} \times PL_{sg,mp}$$

Where,

$\sum_{mp}$  is the sum over all mission profiles  $mp$

$W_{sg,mp}$  is the mission profile weight specified in Table 2 under point 2.1

$PL_{sg,mp}$  is the payload value attributed to the vehicles in the sub-group  $sg$  for the mission profile  $mp$ , as specified in Table 3.

**Table 3 - Payload values  $PL_{sg, mp}$  (in tons)**

Vehicle sub-group $sg$	Mission profile <sup>1</sup> $mp$									
	RDL	RDR	LHL	LHR	UDL	UDR	REL	RER	LEL	LER
4-UD	0,9	4,4	1,9	14	0,9	4,4	3,5	17,5	3,5	26,5
4-RD										
4-LH										
5-RD	2,6	12,9	2,6	19,3	2,6	12,9	3,5	17,5	3,5	26,5
5-LH										
9-RD	1,4	7,1	2,6	19,3	1,4	7,1	3,5	17,5	3,5	26,5
9-LH										
10-RD	2,6	12,9	2,6	19,3	2,6	12,9	3,5	17,5	3,5	26,5
10-LH										

<sup>1</sup> See mission profile definitions under Table 2 of point 2.1

## 2.6. Calculation of the mileage and payload weighting factor

The mileage and payload weighting factor ( $MPW_{sg}$ ) of a sub-group  $sg$  is defined as the product of the annual mileage specified in Table 4 and the payload value per sub-group specified in Table 3 of point 2.5, normalised to the respective value for sub-group 5-LH, and shall be calculated as follows:

$$MPW_{sg} = \frac{(AM_{sg} \times PL_{sg})}{(AM_{5-LH} \times PL_{5-LH})}$$

Where,

$AM_{sg}$  is the annual mileage specified in Table 4 for the vehicles in the respective sub-group

$AM_{5-LH}$  is the annual mileage specified for the sub-group 5-LH in Table 4

$PL_{sg}$  is as determined in point 2.5

$PL_{5-LH}$  is the average payload value for the sub-group 5-LH as determined in point 2.5.



**Table 4 - Annual mileages**

<b>Vehicle sub-group <math>sg</math></b>	<b>Annual mileage <math>AM_{sg}</math> (in km)</b>
<b>4-UD</b>	60 000
<b>4-RD</b>	78 000
<b>4-LH</b>	98 000
<b>5-RD</b>	78 000
<b>5-LH</b>	116 000
<b>9-RD</b>	73 000
<b>9-LH</b>	108 000
<b>10-RD</b>	68 000
<b>10-LH</b>	107 000

**2.7. Calculation of the average specific CO<sub>2</sub> emissions in g/tkm of a manufacturer referred to in Article 4**

For each manufacturer and each *reporting period*, the average specific CO<sub>2</sub> emissions in g/tkm ( $CO_2$ ) shall be calculated as follows:

$$CO_2 = ZLEV \times \sum_{sg} share_{,sg} \times MPW_{sg} \times avgCO_{2,sg}$$

Where,

- $\sum_{sg}$  is the sum is over all sub-groups;
- $ZLEV$  is as determined in point 2.3
- $share_{,sg}$  is as determined in point 2.4
- $MPW_{sg}$  is as determined in point 2.6
- $avgCO_{2,sg}$  is as determined in point 2.2

**3. CALCULATION OF THE REFERENCE CO<sub>2</sub> EMISSIONS REFERRED TO IN ARTICLE 1**

The reference CO<sub>2</sub> emissions ( $rCO_{2,sg}$ ) shall be calculated for each sub-group  $sg$  on the basis of all new heavy-duty vehicles of all manufacturers of the *reference period* as follows:

$$rCO_{2,sg} = \frac{\sum_v (CO_{2,v} / PL_{sg})}{rV_{sg}}$$

Where,

- $\sum_v$  is the sum over all new heavy-duty vehicles registered in the reference period in the sub-group  $sg$  excluding all vocational vehicles in accordance with the second sub-paragraph of Article 1;

- $CO_{2v}$  are the specific CO<sub>2</sub> emissions of the vehicle  $v$  as determined in accordance with point 2.1, if applicable adjusted pursuant to Annex II;
- $rV_{sg}$  is the number of all new heavy-duty vehicles registered in the reference period in the sub-group  $sg$  excluding all vocational vehicles in accordance with the second sub-paragraph of Article 1;
- $PL_{sg}$  is the average payload of vehicles in the sub-group  $sg$  as determined in point 2.5.

#### 4. CALCULATION OF THE SPECIFIC EMISSION TARGET OF A MANUFACTURER REFERRED TO IN ARTICLE 6

For each manufacturer and each *reporting period*, from **1 July 2025 onwards**, the specific emission target  $T$  shall be calculated as follows:

$$T = \sum_{sg} share_{sg} \times MPW_{sg} \times (1 - rf) \times rCO_{2sg}$$

Where,

- $\sum_{sg}$  is the sum over all sub-groups;
- $share_{sg}$  is as determined in point 4 of Section 2;
- $MPW_{sg}$  is as determined point 6 of Section 2;
- $rf$  is the CO<sub>2</sub> reduction target (in %) **applicable in** the specific *reporting period*;
- $rCO_{2sg}$  is as determined in Section 3.

#### 5. EMISSION CREDITS AND DEBTS REFERRED TO IN ARTICLE 7

##### 5.1. Calculation of the CO<sub>2</sub> reduction trajectory for emission credits

For each manufacturer and each *reporting period of the years Y from 2019 to 2030*, a CO<sub>2</sub> emission trajectory ( $ET_Y$ ) is defined as follows:

$$ET_Y = \sum_{sg} share_{sg} \times MPW_{sg} \times R-ET_Y \times rCO_{2sg}$$

Where,

- $\sum_{sg} (...)$  is the sum over all sub-groups;
- $share_{sg}$  is as determined in point 4 of Section 2;
- $MPW_{sg}$  is as determined point 6 of Section 2;
- $rCO_{2sg}$  is as determined in Section 3;

Where,

for the **reporting periods of the years** Y from 2019 to 2025:

$$R-ET_Y = (1-rf_{2025}) + rf_{2025} \times (2025 - Y)/6$$

and, for the **reporting periods of the years** Y from 2026 to 2030:

$$R-ET_Y = (1-rf_{2030}) + (rf_{2030} - rf_{2025}) \times (2030 - Y)/5$$

$rf_{2025}$  and  $rf_{2030}$  are the CO<sub>2</sub> reduction targets (in %) **applicable for the reporting periods of the years** 2025 and 2030 respectively.

## 5.2. Calculation of the emission credits and debts in each **reporting period**

For each manufacturer and each **reporting period of the years Y from** 2019 to 2029 the emission credits ( $cCO_{2Y}$ ) and emission debts ( $dCO_{2Y}$ ) shall be calculated as follows:

If  $CO_{2Y} < ET_Y$ :

$$cCO_{2Y} = (ET_Y - CO_{2Y}) \times V_Y \quad \text{and}$$

$$dCO_{2Y} = 0$$

If  $CO_{2Y} > T_Y$  for the years 2025 to 2029:

$$dCO_{2Y} = (CO_{2Y} - T_Y) \times V_Y \quad \text{and}$$

$$cCO_{2Y} = 0$$

In all other cases  $dCO_{2Y}$  and  $cCO_{2Y}$  are set to 0.

Where,

$ET_Y$  is the manufacturer's emission trajectory in the **reporting period of the** year Y determined in accordance with point 5.1;

$CO_{2Y}$  is the average specific emissions in the **reporting period of the** year Y determined in accordance with point 2.7;

$T_Y$  is the manufacturer specific emission target in the **reporting period of the** year Y determined in accordance with Section 4;

$V_Y$  is the number of new heavy-duty vehicles of the manufacturer in the **reporting period of the** year Y excluding all vocational vehicles in accordance with Article 4(a).

### 5.3. Emission debt limit

For each manufacturer the emission debt limit ( $limCO2$ ) is defined as follows:

$$limCO2 = T_{2025} \times 0,05 \times V_{2025}$$

Where

$T_{2025}$  is the manufacturer specific emission target *in the reporting period of the year 2025* determined in accordance with Section 4;

$V_{2025}$  is the number of new heavy-duty vehicles of the manufacturer in *the reporting period of the year 2025* excluding all vocational vehicles in accordance with Article 4(a).

### 5.4. Emission credits acquired before the year 2025

Emission debts acquired *for the reporting period of the year 2025* shall be reduced by an amount ( $redCO2$ ) corresponding to the emission credits acquired prior to *this reporting period*, which is determined for each manufacturer as follows:

$$redCO2 = \min(dCO2_{2025}; \sum_{Y=2019}^{2024} cCO2_Y)$$

Where,

min is the minimum of the two values mentioned between the brackets;

$\sum_{Y=2019}^{2024}$  is the sum over the *reporting periods of the years Y from 2019 to 2024*;

$dCO2_{2025}$  is the emission debts for *reporting period of the year 2025* as determined in accordance with point 5.2;

$cCO2_Y$  is the emission credits for the *reporting period of the year Y* as determined in accordance with point 5.2.

## 6. DETERMINATION OF A MANUFACTURER'S EXCESS EMISSIONS REFERRED TO IN ARTICLE 8(2)

For each manufacturer and each *reporting period from the year 2025 onwards* the value of the excess emissions ( $exeCO2_Y$ ) shall be determined as follows, if the value is positive:

For the *reporting period of the year 2025*

$$exeCO2_{2025} = dCO2_{2025} - \sum_{Y=2019}^{2025} cCO2_Y - limCO2$$

For the *reporting periods of the years* Y from 2026 to 2028

$$exeCO2_Y = \sum_{I=2025}^Y (dCO2_I - cCO2_I) - \sum_{J=2025}^{Y-1} exeCO2_J - redCO2 - limCO2$$

For the *reporting period of the year* 2029

$$exeCO2_Y = \sum_{I=2025}^{2029} (dCO2_I - cCO2_I) - \sum_{J=2025}^{2028} exeCO2_J - redCO2$$

For the *reporting periods of the years* Y from 2030 onwards

$$exeCO2_Y = (CO2_Y - T_Y) \times V_Y$$

Where,

- $\sum_{Y=2019}^{2025}$  is the sum over the *reporting periods of the years Y* from 2019 to 2025;
- $\sum_{I=2025}^Y$  is the sum over the *reporting periods of the years I* from 2025 to the year Y;
- $\sum_{J=2025}^{Y-1}$  is the sum over the *reporting periods of the years J* from 2025 to the year (Y-1);
- $\sum_{J=2025}^{2028}$  is the sum over the *reporting periods of the years J* from 2025 to 2028;
- $\sum_{I=2025}^{2029}$  is the sum over the *reporting periods of the years I* from 2025 to 2029;
- $dCO2_Y$  is the emission debts for the *reporting period of the year* Y as determined in accordance with point 5.2;
- $cCO2_Y$  is the emission credits for the *reporting period of the year* Y as determined in accordance with point 5.2;
- $limCO2$  is the emission debt limit as determined in accordance with point 5.3;
- $redCO2$  is the reduction of emission debts of the *reporting period of the year* 2025 as determined in accordance with 5.4.

In all other cases the value of the excess emissions  $exeCO2_Y$  shall be set to 0.

## ANNEX II

### Adjustment procedures

#### 1. PAYLOAD ADJUSTMENT FACTORS REFERRED TO IN ARTICLE 12(1)(C)

Subject to the provisions laid down in Article 10(2)(a), for the purposes of calculating the reference CO<sub>2</sub> emissions referred to in Article 1, ***the mission profile weights and payload values applicable in the reporting period when the changes referred to in Article 12(1)(c) take effect for all new heavy-duty vehicles shall be used and*** the CO<sub>2</sub> emissions in g/km of a heavy-duty vehicle  $v$  determined for a mission profile  $mp$  referred to in Table 2 in point 2.1 of Annex I shall be adjusted as follows:

$$CO_{2v,mp} = CO_{2(RP)v,mp} \times (1 + PL_{a,sg,mp} \times (PL_{sg,mp} - PL_{(RP)sg,mp}))$$

Where

$sg$  is the sub-group to which the vehicle  $v$  belongs;

$CO_{2(RP)v,mp}$  is the specific CO<sub>2</sub> emissions of vehicle  $v$  in g/km, as determined on mission profile  $mp$  and based on the [...] monitoring data ***for the reference period*** reported in accordance with Regulation (EU) No **2018/956** ;

$PL_{(RP)sg,mp}$  is the payload value, which was attributed to vehicle  $v$  in the sub-group  $sg$  on the mission profile  $mp$  in the ***reference period***, in accordance with Table 3 of point 2.5 of Annex I, for the purposes of establishing the [...] monitoring data ***for the reference period*** reported in accordance with Regulation (EU) No **2018/956**;

$PL_{sg,mp}$  is the payload value attributed to vehicles in the sub-group  $sg$  on the mission profile  $mp$  in the ***reporting period*** when the changes referred to in Article 12(1)(c) take effect for all new heavy-duty vehicles, in accordance with Table 3 of point 2.5 of Annex I;

$PL_{a,sg,mp}$  is the payload adjustment factor defined in Table 5.

**Table 5 - Payload adjustment factors  $PLa_{sg, mp}$**

$PLa_{sg, mp}$ (in 1/tons)		Mission profiles $mp^1$				
		RDL, RDR	REL, RER	LHL, LHR	LEL, LER	UDL, UDR
Vehicle sub- groups sg	4-UD	0,026	N.A.	0,015	N.A.	0,026
	4-RD					
	4-LH					
	5-RD	0,022	0,022	0,017	0,017	0,022
	5-LH					
	9-RD	0,026	0,025	0,015	0,015	0,026
	9-LH					
	10-RD	0,022	0,021	0,016	0,016	0,022
	10-LH					

<sup>1</sup> see mission profile definitions in point 1 of Section 2 of Annex I.

## 2. ADJUSTMENT FACTORS REFERRED TO IN ARTICLE 10(2)(B)

Subject to the provisions laid down in Article 10(2)(b), for the purposes of calculating the reference CO<sub>2</sub> emissions referred to in Article 1, **the mission profile weights and payload values applicable in the reporting period when the changes referred to in Article 12(1)(c) take effect for all new heavy-duty vehicles shall be used** and the CO<sub>2</sub> emissions in g/km of a heavy-duty vehicle  $v$  determined for a mission profile  $mp$  referred to in point 2.1 of Annex I shall be adjusted as follows:

$$CO2_{v, mp} = CO2(RP)_{v, mp} \times (\sum_r s_{r, sg} \times CO2[... ]_{r, mp}) / (\sum_r s_{r, sg} \times CO2(RP)_{r, mp})$$

Where

$\sum_r$  is the sum over all representative vehicles  $r$  for the sub-group  $sg$ ;

$sg$  is the sub-group to which the vehicle  $v$  belongs;

$s_{r, sg}$  is the statistical weight of the representative vehicle  $r$  in the sub-group  $sg$ ;

$CO2(RP)_{v, mp}$  is the specific CO<sub>2</sub> emissions of vehicle  $v$  in g/km, as determined on mission profile  $mp$  and based on the [...] monitoring data **of the reference period** reported in accordance with Regulation (EU) No **2018/956** ;

$CO_2(RP)_{r,mp}$  is the specific CO<sub>2</sub> emissions of the representative vehicle  $r$  in g/km, as determined on mission profile  $mp$  in accordance with **Regulation (EC) No 595/2009 and its implementing measures in the reference period when  $CO_2(RP)_{v,mp}$  was determined;**

$CO_{2r,mp}$  is the specific CO<sub>2</sub> emissions of the representative vehicle  $r$ , as determined **on mission profile  $mp$**  in accordance with **Regulation (EC) No 595/2009 and its implementing measures** in the **reporting period** when the changes referred to in Article 12(2) take effect for all new heavy-duty vehicles.

The representative vehicle shall be defined in accordance with the methodology referred to in Article 12(3).

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