



Council of the  
European Union

Brussels, 4 June 2021  
(OR. en)

9534/21  
ADD 1

ENT 99  
MI 440  
ENV 399  
DELECT 117

#### COVER NOTE

---

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 4 June 2021

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

---

No. Cion doc.: C(2021) 3751 final, ANNEX

---

Subject: ANNEX to the COMMISSION DELEGATED REGULATION (EU) .../... amending Delegated Regulation (EU) 2017/654 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to the acceptance of approvals granted in accordance with Regulations Nos 49 and 96 of the Economic Commission for Europe of the United Nations (UNECE)

---

Delegations will find attached document C(2021) 3751 final, ANNEX.

---

Encl.: C(2021) 3751 final, ANNEX



Brussels, 4.6.2021  
C(2021) 3751 final

ANNEX

ANNEX

to the

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

**amending Delegated Regulation (EU) 2017/654 supplementing Regulation (EU) 2016/1628 of the European Parliament and of the Council with regard to the acceptance of approvals granted in accordance with Regulations Nos 49 and 96 of the Economic Commission for Europe of the United Nations (UNECE)**

## ANNEX

Annexes I, IV, V, and XIII are amended as follows:

(1) in Annex I, point 2.6.2 is replaced by the following:

‘2.6.2. Where the approval authority determines that, with regard to the selected parent engine the submitted application does not fully represent the engine family defined in Annex IX to Implementing Regulation (EU) 2017/656, an alternative and if necessary an additional reference test engine may be selected by the approval authority and tested.’;

(2) in Annex IV, Appendix 1 is amended as follows:

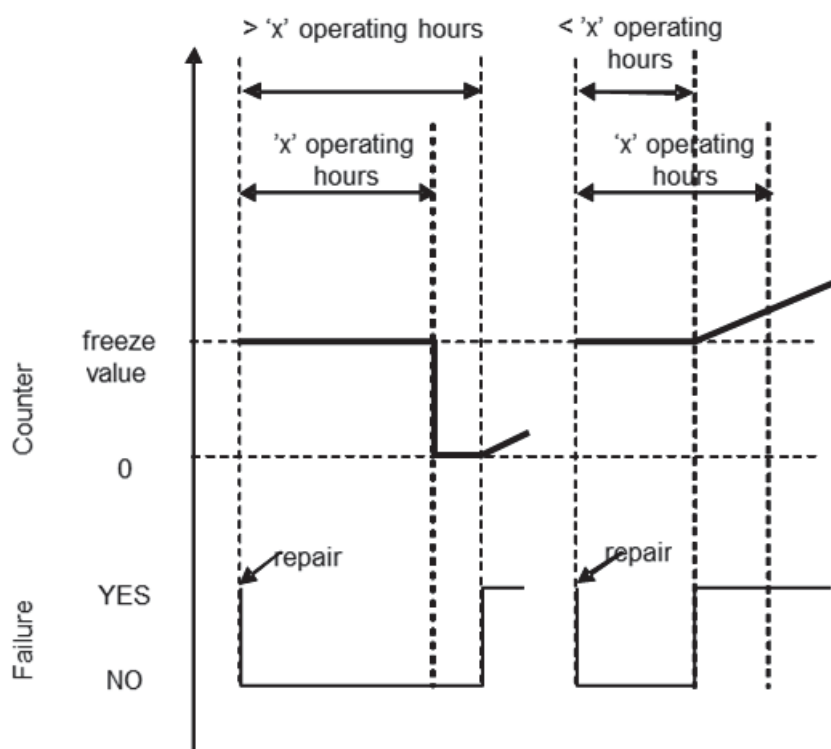
(a) point 11.4.2.1.4. is replaced by the following:

‘11.4.2.1.4. Once frozen, the counter shall be reset to zero when the monitors relevant to that counter have run at least once to completion of their monitoring cycle without having detected a malfunction and no malfunction relevant to that counter has been detected during at least 36 engine operating hours since the counter was last held (see Figure 4.4).’;

(b) Figure 4.4. is replaced by the following:

*‘Figure 4.4.*

### **Reactivation and resetting to zero of a counter after a period when its value has been frozen**

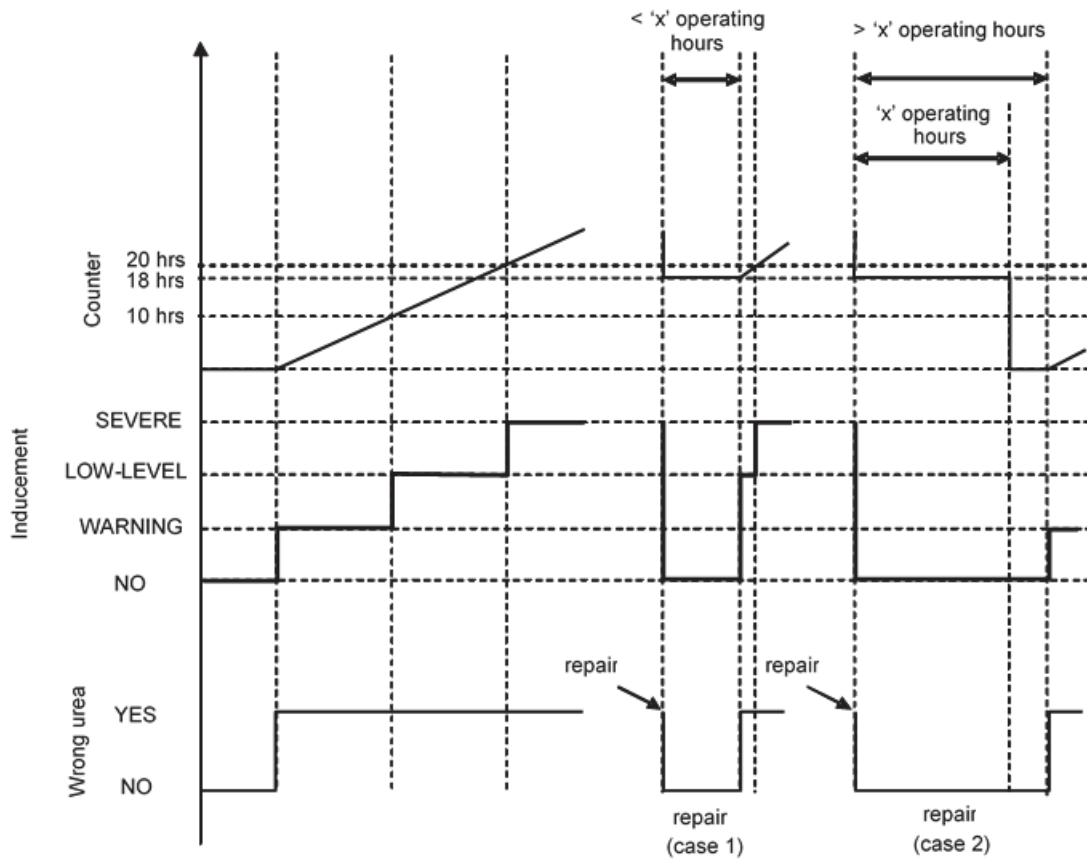


Where ‘x’ is not less than 36 operating hours’;

(c) Figure 4.6. is replaced by the following:

*Figure 4.6.*

**Filling with poor reagent quality**

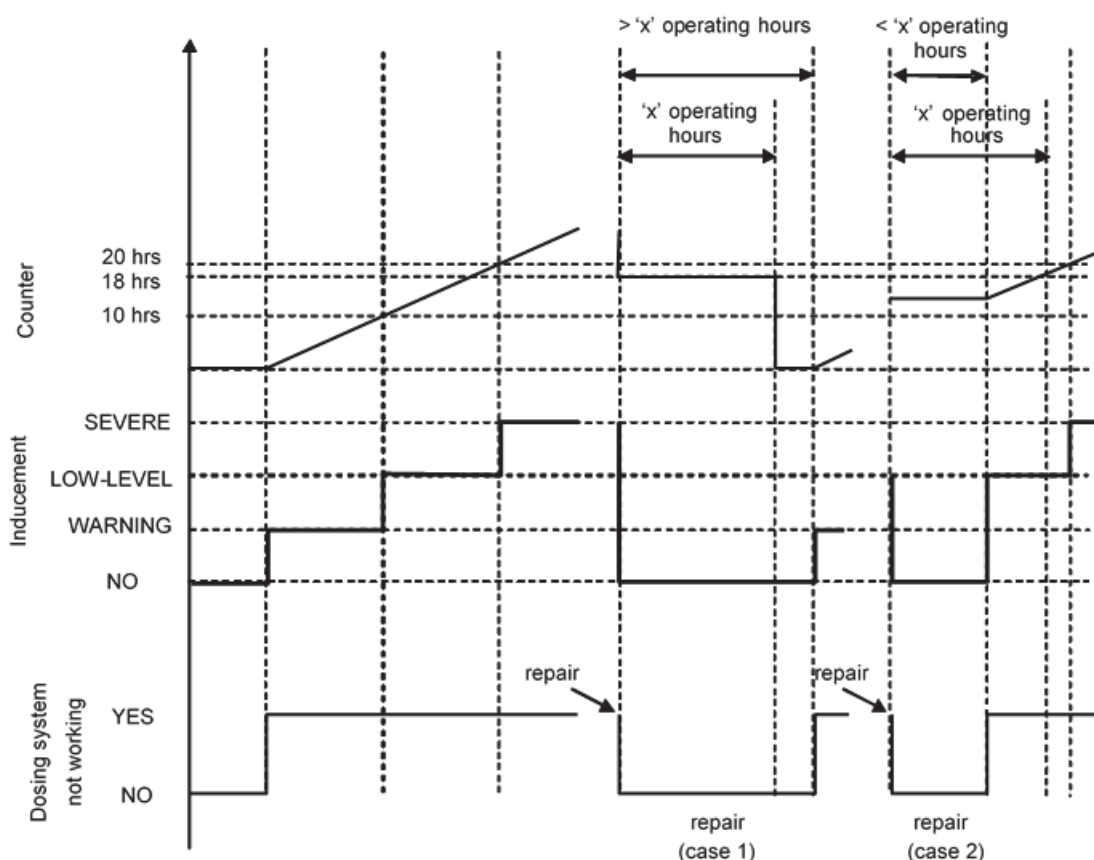


Where 'x' is not less than 36 operating hours';

(d) Figure 4.7. is replaced by the following:

“Figure 4.7.

### Failure of the reagent dosing system



Where ‘x’ is not less than 36 operating hours’;

(3) in Annex V, point 1., the fifth paragraph is replaced by the following:

‘The manufacturer may request that the technical service excludes operating points from any of the control areas set out in section 2 during the demonstration set out in section 3. The technical service shall grant this exclusion, upon agreement of the approval authority, if the manufacturer demonstrates that the engine is never capable of operating at such points when used in any non-road mobile machinery combination.’

(4) Annex XIII is amended as follows:

(a) point 1 is amended as follows:

(i) sub-point (2) is replaced by the following:

‘(2) type-approvals in conformity with the 06 series of amendments to UNECE Regulation No 49\*, where a technical service confirms that the engine type meets:

(a) the requirements set out in Appendix 2 of Annex IV, when the engine is exclusively intended for use in the place of Stage V engines of categories IWP and IWA, in accordance with Article 4(1), point (1)(b) of Regulation (EU) 2016/1628, or

- (b) the requirements set out in Appendix 1 of Annex IV for engines not covered by paragraph (a),

and where an approval authority confirms that the manufacturer complies with the obligations set out in Article 19 of Regulation (EU) 2016/1628.

---

\* Regulation No 49 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines and positive ignition engines for use in vehicles (OJ L 171, 24.6.2013, p. 1).’;

- (ii) the following sub-point (3) is added:

‘(3) type-approvals in conformity with the 05 series of amendments to UNECE Regulation No 96\*\* of engine families or engine types of category NRE, as set out in Table I-1 of Annex I to Regulation (EU) 2016/1628, where an approval authority confirms that the manufacturer complies with the obligations set out in Article 19 of Regulation (EU) 2016/1628.

---

\*\* Regulation No 96 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the approval of engines to be installed in agricultural and forestry tractors and in non-road mobile machinery with regard to the emissions of pollutants by the engine (OJ L 107, 17.4.2019, p. 1).’;

- (b) the following points 2. to 4.1. are added:

‘2. For engine families or engine types of category NRG, NRSh, NRS, SMB and ATS, type-approvals in conformity with the 05 series of amendments to UNECE Regulation No 96, of engines that correspond to the engine categories set out in Tables I-2, I-3 and I-4 and Tables I-9 to I-10 of Annex I to Regulation (EU) 2016/1628 and, where applicable, the corresponding statutory marking, shall be recognised as equivalent to EU type-approvals granted and statutory marking required in accordance with Regulation (EU) 2016/1628, where an approval authority confirms that the manufacturer complies with the obligations set out in Article 19 of Regulation (EU) 2016/1628.

3. For special purpose engines (SPE) falling within the scope of Article 34, paragraphs 5 and 6 of Regulation (EU) 2016/1628, of category NRE with reference power not less than 19 kW and not more than 560 kW, Stage IIIA type-approvals in conformity with the 02\*\*\*, 03\*\*\*\* or 04\*\*\*\*\* series of amendments to UNECE Regulation No 96 of engine families or engine types of category NRE, as set out in Table VI-1 of Annex VI to Regulation (EU) 2016/1628 and, where applicable, the corresponding statutory marking, shall be recognised as equivalent to EU type-approvals granted and statutory marking required in accordance with that Regulation.

- 3.1. Additional requirements:

Engines based on a type-approval which is accepted as equivalent to an EU type-approval in accordance with point 3. shall meet the requirements of Annex XII to Delegated Regulation (EU) 2017/654.

4. For the following emission stages, type-approvals on the basis of UNECE Regulations of engine families or engine types belonging to the categories listed below and, where applicable, the corresponding statutory marking shall be recognised as equivalent to EU type-approvals granted and statutory marking required under Directive 97/68/EC, in accordance with the transitional provisions set out in Article 58 of Regulation (EU) 2016/1628:
  - (1) Stage IV: type-approvals of engines belonging to category Q and R as set out in Article 9 of Directive 97/68/EC in conformity with the 04 series of amendments to UNECE Regulation No 96;
  - (2) Stage IIIB: type-approvals of engines belonging to category L, M, N and P as set out in Article 9 of Directive 97/68/EC in conformity with the 03 or 04 series of amendments to UNECE Regulation No 96;
  - (3) Stage IIIA: type-approvals of engines belonging to category H, I, J and K as set out in Article 9 of Directive 97/68/EC in conformity with the 02, 03 or 04 series of amendments to UNECE Regulation No 96;
  - (4) Stage II: type-approvals of engines belonging to category D, E, F and G as set out in Article 9 of Directive 97/68/EC in conformity with the 01\*\*\*\*\*, 02, 03 or 04 series of amendments to UNECE Regulation No 96;
  - (5) Stage I: type-approvals of engines belonging to category A, B and C as set out in Article 9 of Directive 97/68/EC in conformity with the 00 series\*\*\*\*\* of amendments to UNECE Regulation No 96.

#### 4.1. Additional requirements

Engines based on a type-approval which is accepted as equivalent to the EU type-approval in accordance with point 4. shall be accompanied by a statement of conformity and the supplementary information in its statutory marking as required by Articles 31 and 32(2) of Regulation (EU) 2016/1628 and as set out in Annexes II and III to Implementing Regulation (EU) 2017/656.

---

\*\*\* 02 series of amendments is not published in the OJ.

\*\*\*\* 03 series of amendments is not published in the OJ.

\*\*\*\*\* Regulation No 96 of the Economic Commission for Europe of the United Nations (UN/ECE) — Uniform provisions concerning the approval of compression ignition (C.I.) engines to be installed in agricultural and forestry tractors and in non-road mobile machinery with regard to the emissions of pollutants by the engine (OJ L 88, 22.3.2014, p. 1).

\*\*\*\*\* 01 series of amendments is not published in the OJ.

\*\*\*\*\* 00 series of amendments is not published in the OJ.”.