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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. Cion doc.: D076241/1

Subject: COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EU) 2017/2400 as regards the determination of the CO2 emissions and fuel consumption of medium and heavy lorries and heavy buses and to introduce electric vehicles and other new technologies
- Decision not to oppose adoption

1. On 9 March 2022, the Commission submitted the above draft Regulation to the Council, in accordance with Articles 4(3) and 5(4)(e) of Regulation (EC) No 595/2009¹.

¹ 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 (OJ L 188, 18.7.2009, p. 1).

2. Commission Regulation (EU) 2017/2400 introduces a common method of performance comparison of heavy-duty vehicles placed on the Union market as regards their CO₂ emissions and fuel consumption. In order to provide a better view on the CO₂ emissions, it is necessary to determine the CO₂ emissions and fuel consumption of other heavy duty vehicles, such as medium lorries and heavy buses. There is also need to specify additional requirements for new technologies, and the use of the on-road verification testing procedure. The date of application of this Regulation should therefore be adjusted accordingly.
3. In order to align the wording of Regulation (EU) 2017/2400 to the changed wording of Regulation (EC) No 595/2009, the references to on-board diagnostic information and vehicle repair and maintenance information need to be removed from Regulation (EU) 2017/2400. In addition, some definitions and requirements need further clarification and corrections.
4. Such draft measures, before being formally adopted by the Commission, are submitted for scrutiny to the European Parliament and the Council. If neither the Parliament nor the Council have opposed the envisaged measures, the draft Regulation shall be adopted by the Commission.
5. On 10 January 2022, the Committee voted the measures in the above draft Regulation with 26 votes in favour and 1 abstention, in accordance with Article 5a(2) of Council Decision 1999/468/EC.
6. On 14 March 2022, delegations were asked by 26 April 2022 to indicate their possible opposition to the draft Regulation. No delegation raised any relevant grounds for opposition. The Commission will formally adopt the draft measures after the 3-month deadline expires on 9 June 2022.
7. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the adoption of the draft Commission Regulation, as set out in document ST 7180/22 + ADD 1 as an item without discussion at one of its forthcoming meetings.