



2023/2724

6.12.2023

**COMMISSION DELEGATED REGULATION (EU) 2023/2724**

**of 27 September 2023**

**amending and correcting Delegated Regulation (EU) No 134/2014 as regards certain references to Regulations of the United Nations Economic Commission for Europe (UNECE) and the availability of certain pure gases**

**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles <sup>(1)</sup>, and in particular Article 23(12) thereof,

Whereas:

- (1) In order to take into consideration the latest updates to regulations Nos 9 <sup>(2)</sup>, 41 <sup>(3)</sup>, 63 <sup>(4)</sup> and 92 <sup>(5)</sup> of the United Nations Economic Commission for Europe (UNECE) on sound emissions for L-category vehicles, which include a broadened scope of application of the additional sound emission provisions to reflect more closely real-world motorcycle urban and extra-urban operations, it is necessary to amend Annex I to Commission Delegated Regulation (EU) No 134/2014 <sup>(6)</sup> to include a reference to the latest series of amendments of those UNECE regulations.
- (2) In order to reduce administrative burden for national authorities and manufacturers, the date of application of the latest series of amendments of UNECE regulations Nos 9, 41, 63 and 92 should be aligned with the application of the Euro 5+ requirements introduced in Commission Implementing Regulation (EU) 2020/239 <sup>(7)</sup>.
- (3) Russia's war of aggression against Ukraine has disrupted the supply of helium gas, which is essential to obtain purified hydrogen necessary for performing exhaust emission testing. Given the current situation and the fact that nitrogen is already used as an alternative inert gas to helium for both light passenger and commercial vehicles and heavy-duty vehicles, it is necessary to include nitrogen in Delegated Regulation (EU) No 134/2014 as an optional gas in the mixture to obtain purified hydrogen.

<sup>(1)</sup> OJ L 60, 2.3.2013, p. 52.

<sup>(2)</sup> Regulation No 9 of the Economic Commission for Europe of the United Nations (UNECE) – Uniform provisions concerning the approval of category L<sub>2</sub>, L<sub>4</sub> and L<sub>5</sub> vehicles with regard to sound emission [2018/1704] (OJ L 290, 16.11.2018, p. 1).

<sup>(3)</sup> Regulation No 41 of the Economic Commission for Europe of the United Nations (UNECE) – [Uniform provisions concerning the approval of motor cycles with regard to noise [2023/320] (OJ L 43, 13.2.2023, p. 14).

<sup>(4)</sup> Regulation No 63 of the Economic Commission for Europe of the United Nations (UNECE) – Uniform provisions concerning the approval of L<sub>1</sub> category vehicles with regard to sound emission [2018/1705] (OJ L 290, 16.11.2018, p. 28).

<sup>(5)</sup> Regulation No 92 of the Economic Commission for Europe of the United Nations (UNECE) – Uniform provisions concerning the approval of non-original replacement exhaust silencing systems (NORESS) for vehicles of categories L<sub>1</sub>, L<sub>2</sub>, L<sub>3</sub>, L<sub>4</sub> and L<sub>5</sub> with regard to sound emission [2018/1707] (OJ L 290, 16.11.2018, p. 162).

<sup>(6)</sup> Commission Delegated Regulation (EU) No 134/2014 of 16 December 2013 supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to environmental and propulsion unit performance requirements and amending Annex V thereof (OJ L 53, 21.2.2014, p. 1).

<sup>(7)</sup> Commission Implementing Regulation (EU) 2020/239 of 20 February 2020 amending Implementing Regulation (EU) No 901/2014 with regard to the adaptation of the templates for type-approval procedures for two- or three-wheel vehicles and quadricycles to the environmental steps Euro 5 and Euro 5+ requirements (OJ L 48, 21.2.2020, p. 6).

- (4) Regulation (EU) No 168/2013 made an incorrect reference to the UNECE regulation on sound requirements applicable to vehicle categories L4e and L6e-A. This error was subsequently corrected, but the corresponding change was not introduced in Delegated Regulation (EU) No 134/2014. Table 8-1 in Annex IX to that Regulation should therefore be corrected to reflect the changes already introduced in Regulation (EU) No 168/2013.
- (5) There is an error in one of power factors used in the equation in Appendix 2.2, point 3.3, of Annex X to Delegated Regulation (EU) No 134/2014. This equation should be the same as the one referred to in Appendix 2.1, point 3.3, of Annex X to that Regulation. For the sake of legal certainty, this error should be corrected.
- (6) Delegated Regulation (EU) No 134/2014 should therefore be amended and corrected accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Delegated Regulation (EU) No 134/2014**

Annexes I, II and V to Delegated Regulation (EU) No 134/2014 are amended in accordance with Annex I to this Regulation.

*Article 2*

**Corrections to Delegated Regulation (EU) No 134/2014**

Annexes VI, IX and X to Delegated Regulation (EU) No 134/2014 are corrected in accordance with Annex II to this Regulation.

*Article 3*

**Transitional provisions**

1. This Regulation shall not invalidate any EU type-approval granted to vehicles or to systems, components or separate technical units by DD month YYYY, unless the relevant requirements applying to such vehicles, systems, components or separate technical units have been modified, or new requirements have been added by this Regulation.
2. Approval authorities shall continue to grant extensions of EU type-approvals referred to in paragraph 1.

*Article 4*

**Entry into force and application**

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 the Member States.

Done at Brussels, 27 September 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

ANNEX I

Annexes I, II, and V to Delegated Regulation (EU) No 134/2014 are amended as follows:

(1) Annex I is replaced by the following:

‘ANNEX I

List of UNECE regulations referred to in Article 4(1)

UNECE regulation No	Subject	Series of amendments	OJ reference	Applicability	Obligatory for new types	Obligatory for existing types
9	Noise emissions from motorcycles with sidecars and tricycles	07	OJ L 290, 16.11.2018, p. 1.	L2e, L4e, L5e, L6e, L7e	1.1.2024	1.1.2025
41	Noise emissions from motorcycles	04	OJ L 317, 14.11.2012, p. 1.	L3e	1.1.2016	1.1.2017
41	Noise emissions from motorcycles	05	OJ L 43, 13.2.2023, p. 14.	L3e	1.1.2024	1.1.2025
63	Noise emissions from mopeds	02	OJ L 290, 16.11.2018, p. 28.	L1e	1.1.2024	1.1.2025
92	Noise emissions from non-original replacement exhaust silencing systems for motorcycles, mopeds and three-wheel vehicles	02	OJ L 221, 8.9.2023, p. 55.		1.1.2024	1.1.2025

*Explanatory note:*  
The fact that a system or component is included in this list does not make its installation mandatory. For certain components, however, mandatory installation requirements are laid down in other annexes to this Regulation.

## ANNEX II

Annexes VI, IX and X to Delegated Regulation (EU) No 134/2014 are corrected as follows:

(1) in Annex VI, Appendix 1, point 2.7.6 is replaced by the following:

‘2.7.6. Gear changes should be carried out according to the guidance laid down in point 4.5.5. of Annex II. Alternatively, guidance provided by the manufacturer to the consumer may be used if approved by the approval authority.’;

(2) in Annex IX, Table 8-1 is replaced by the following:

‘Table 8-1

**L-category vehicle sub-categories and the applicable UNECE regulations regarding sound requirements**

Vehicle (sub-)category	Vehicle category name	Applicable test procedure
L1e-A	Powered cycle	UNECE regulation No 63
L1e-B	Two-wheel moped $v_{\max} \leq 25 \text{ km/h}$	
	Two-wheel moped $v_{\max} \leq 45 \text{ km/h}$	
L2e	Three-wheel moped	UNECE regulation No 9
L3e	Two-wheel motorcycle Engine capacity $\leq 80 \text{ cm}^3$	UNECE regulation No 41
	Two-wheel motorcycle $80 \text{ cm}^3 & \text{amp; amp; amp; amp; amp; lt;}$ Engine capacity $\leq$ $175 \text{ cm}^3$	
	Two-wheel motorcycle Engine capacity $> 175 \text{ cm}^3$	
L4e	Two-wheel motorcycle with side-car	UNECE regulation No 9'
L5e-A	Tricycle	
L5e-B	Commercial tricycle	
L6e-A	Light on-road quad	
L6e-B	Light quadri-mobile	
L7e-A	Heavy on-road quad	
L7e-B	Heavy all terrain quad	
L7e-C	Heavy quadri-mobile	

(3) in Annex X, Appendix 2.2, point 3.3, the equation Ap2.2-2 is replaced by the following:

‘Equation Ap2.2-2:

$$\alpha_1 = \left( \frac{99}{P_s} \right)^{1,2} \cdot \left( \frac{T}{298} \right)^{0,6} \quad ;;$$

(2) in Annex II, point 5.2.3.6.1 is replaced by the following:

‘5.2.3.6.1. Pure gases

The following pure gases shall be available, if necessary, for calibration and operation:

Purified nitrogen: (purity:  $\leq 1$  ppm C<sub>1</sub>,  $\leq 1$  ppm CO,  $\leq 400$  ppm CO<sub>2</sub>,  $\leq 0,1$  ppm NO);

Purified synthetic air: (purity:  $\leq 1$  ppm C<sub>1</sub>,  $\leq 1$  ppm CO,  $\leq 400$  ppm CO<sub>2</sub>,  $\leq 0,1$  ppm NO); oxygen content between 18 and 21 percent by volume;

Purified oxygen: (purity  $> 99,5$  percent vol. O<sub>2</sub>);

Purified hydrogen (and mixture containing helium or nitrogen): (purity  $\leq 1$  ppm C<sub>1</sub>,  $\leq 400$  ppm CO<sub>2</sub>, hydrogen content between 39 and 41 per cent volume);

Carbon monoxide: (minimum purity 99,5 percent);

Propane: (minimum purity 99,5 percent).’;

(3) in Annex V, Appendix 3, point 4.7.1.(b) is replaced by the following:

‘(b) hydrocarbon analyser fuel gas ( $40 \pm 2$  % hydrogen, and balance helium or nitrogen with less than 1 ppm C<sup>1</sup> equivalent hydrocarbon, less than 400 ppm CO<sub>2</sub>);’.

---