

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/1634

of 5 June 2023

amending Regulation (EU) 2019/631 of the European Parliament and of the Council setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles*(Text with EEA relevance)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 ⁽¹⁾, and in particular Article 7(8), Article 10(8), second subparagraph, and Article 15(8) thereof,

Whereas:

- (1) Annex I to Regulation (EU) 2019/631 provides detailed methods for the calculation of the specific emissions targets for manufacturers of passenger cars and of light commercial vehicles.
- (2) Since 1 January 2021, the CO₂ emission standards are based on CO₂ emissions data determined in accordance with the Worldwide harmonised Light vehicle Test Procedure (WLTP) as set out in Commission Regulation (EU) 2017/1151 ⁽²⁾. Annex I to Regulation (EU) 2019/631 has been amended by Commission Delegated Regulation (EU) 2020/2173 ⁽³⁾ to take account of the introduction of the WLTP, by clarifying how the specific emissions targets of particular types of manufacturers are to be determined. However, further clarification is needed for manufacturers that are members of a pool in order to provide for the calculation method for the specific emissions targets for the calendar years 2021 to 2024.
- (3) Part A of Annex I to Regulation (EU) 2019/631 specifies the calculation method for the derogation targets applicable in the calendar years 2021 to 2024. For legal certainty, it is necessary to specify the calculation method also for the derogation targets applicable in the calendar years 2025 to 2028, as referred to in Article 10(4), second subparagraph, point (c), of that Regulation.

⁽¹⁾ OJ L 111, 25.4.2019, p. 13.

⁽²⁾ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2020/2173 of 16 October 2020 amending Annexes I, II and III to Regulation (EU) 2019/631 of the European Parliament and of the Council to update the monitoring parameters and clarify certain aspects relating to the change in the regulatory test procedure (OJ L 433, 22.12.2020, p. 1).

- (4) In order to distinguish between the case of complete and incomplete base vehicles, the definition of test mass ("TM") for the average test mass in kilograms of all new light commercial vehicles set out in Part B, point 6.2.1., of Annex I to Regulation (EU) 2019/631 should be adapted.
- (5) Annexes II and III to Regulation (EU) 2019/631 specify the type and format of the data to be collected by Member States, or manufacturers, and transmitted annually to the Commission concerning new passenger cars and new light commercial vehicles. Based on the experience gained, it has become evident that certain monitoring parameters could be removed in order to facilitate the monitoring process, as those parameters are not used for the calculation of the specific emissions targets or average specific emissions, and should therefore be removed without hampering the robust assessment of the manufacturers' compliance with their specific emissions targets. In addition, it is necessary to add certain new parameters, in particular for the purpose of the verification of the CO₂ emissions of vehicles in-service. Those changes to the parameters need to be reflected for the type of data to be collected in Part A of Annex II and Part A of Annex III to Regulation (EU) 2019/631 as well as for the formats for the data collection in Part B of Annex II and Part B of Annex III to that Regulation.
- (6) Annex III to Regulation (EU) 2019/631 details a procedure for manufacturers to calculate the CO₂ emissions and mass values in the case of light commercial vehicles that are type-approved in multiple stages. In the case of an individual incomplete base vehicle, the vehicle mass is to be calculated in accordance with Part A, point 1.2.4, of Annex III to Regulation (EU) 2019/631, taking into account the body mass value (B_0), which has been set at 1,375 for the calculations relating to calendar year 2021. For the calendar years from 2022 to 2024, that value should be revised based on the average of the mass in running order of new incomplete base vehicles registered in the Union in the calendar years 2018, 2019 and 2020.
- (7) In the absence of the final CO₂ monitoring data for new light commercial vehicles for the calendar year 2020, the revision of the B_0 value could not be finalised by 31 October 2021 as provided for in Part A, point 1.2.4, of Annex III to Regulation (EU) 2019/631. Taking into account that revising the B_0 value using only the data for the calendar years 2018 and 2019 would have resulted in a value that was very close to the current B_0 value and in order to facilitate the implementation and provide legal certainty for the manufacturers concerned, it is appropriate to maintain the currently applicable B_0 value for the calendar year 2022. For the calendar years 2023 and 2024, the revised B_0 value has been calculated based on the final monitoring data for light commercial vehicles for the calendar years 2018, 2019 and 2020. Furthermore, to provide legal certainty for manufacturers after 2024, it is necessary to clarify that the revised B_0 value remains applicable also in the years after 2024.
- (8) A clarification is needed to better take into account the different ways to determine the aerodynamic influence in the case of incomplete N_1 base vehicles as part of the calculation of the monitoring CO₂ emissions.
- (9) Part B of Annex III to Regulation (EU) 2019/631 contains certain information relating in particular to the NEDC regulatory test procedure that has become obsolete, and should therefore be deleted.
- (10) Regulation (EU) 2019/631 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/631 is amended as follows:

- (1) Annex I is amended as set out in Annex I to this Regulation.
- (2) Annex II is amended as set out in Annex II to this Regulation.
- (3) Annex III is amended as set out in Annex III to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

The following points shall apply from 1 January 2024:

- (a) point (1)(a)(ii) and (iii) and point (2)(b) and (c) of Annex II;
- (b) point (1)(a)(iii) and (v) and point (3)(c) and (e) of Annex III.

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

Done at Brussels, 5 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annex I to Regulation (EU) 2019/631 is amended as follows:

(1) Part A is amended as follows:

(a) the following point 3d is inserted:

‘3d. For a pool formed in accordance with Article 6, the WLTP specific emissions reference target shall be determined on the basis of the $WLTP_{CO_2}$, $NEDC_{CO_2}$ and $NEDC_{2020target}$ values calculated for that pool as a whole.

In case of a pool newly formed in the years 2021 to 2024 or a change in membership of a pool that existed in 2020, the WLTP specific emissions reference target shall be calculated on the basis of the $WLTP_{CO_2}$, $NEDC_{CO_2}$ and $NEDC_{2020target}$ values for the new pool as a whole.’;

(b) in point 5, the following point (c) is added:

‘(c) For a manufacturer that has been granted a derogation in accordance with Article 10(4) for any of the calendar years from 2025 to 2028, the specific emissions target (Derogation target₂₀₂₅₋₂₀₂₈) shall be calculated as follows:

$$\text{Derogation target}_{2025-2028} = \frac{WLTP_{CO_2,measured}}{WLTP_{CO_2}} \cdot \frac{WLTP_{CO_2,ind}}{NEDC_{CO_2,ind}} \cdot \text{Target}_{2021} \cdot (1 - \text{reduction factor}_{2025})$$

For such a manufacturer that was not responsible for the registration of new passenger cars in 2020 or for which $WLTP_{CO_2}$ as defined in point 3 or $NEDC_{CO_2}$ as defined in point 3 is zero, the specific emissions target (Derogation target₂₀₂₅₋₂₀₂₈) shall be calculated as follows:

$$\text{Derogation target}_{2025-2028} = \frac{WLTP_{CO_2,measured}}{NEDC_{CO_2}} \cdot \text{Target}_{2021} \cdot (1 - \text{reduction factor}_{2025})$$

Where:

$WLTP_{CO_2,measured}$	is the average value across all individual manufacturers for which a specific emissions target applies in accordance with point 4, weighted by the number of new passenger cars registered in 2020, of $WLTP_{CO_2,measured}$ as defined in point 6.0;
$WLTP_{CO_2}$	is the average value across all individual manufacturers for which a specific emissions target applies in accordance with point 4, weighted by the number of new passenger cars registered in 2020, of $WLTP_{CO_2}$ as defined in point 3;
$NEDC_{CO_2}$	is the average value across all individual manufacturers for which a specific emissions target applies in accordance with point 4, weighted by the number of new passenger cars registered in 2020, of $NEDC_{CO_2}$ as defined in point 3;
$WLTP_{CO_2,ind}$	is equal to $WLTP_{CO_2}$ as defined in point 3;
$NEDC_{CO_2,ind}$	is equal to $NEDC_{CO_2}$ as defined in point 3;
reduction factor ₂₀₂₅	is the reduction referred to in Article 1(4), point (a);
Target ₂₀₂₁	is a 45 % reduction on the average specific emissions of CO ₂ in 2007 of that manufacturer.’;

(2) Part B is amended as follows:

(a) the following point 3d is inserted:

‘3d. For a pool formed in accordance with Article 6, the WLTP specific emissions reference target shall be determined on the basis of the $WLTP_{CO_2}$, $NEDC_{CO_2}$ and $NEDC_{2020target}$ values calculated for that pool as a whole.

In case of a pool newly formed in the years 2021 to 2024 or a change in membership of a pool that existed in 2020, the WLTP specific emissions reference target shall be calculated on the basis of the $WLTP_{CO_2}$, $NEDC_{CO_2}$ and $NEDC_{2020target}$ values for the new pool as a whole.’;

(b) in point 6.2.1., the wording:

‘TM is the average test mass in kilograms (kg) of all new light commercial vehicles of the manufacturer registered in the relevant calendar year;’

is replaced by the following:

‘TM is the average test mass in kilograms (kg) of all new light commercial vehicles of the manufacturer registered in the relevant calendar year.

In the case of a complete base vehicle related to a completed vehicle, the test mass to be considered is the test mass of that base vehicle.

In the case of an incomplete base vehicle related to a completed vehicle, the test mass value to be considered is the value DM_{base} determined in accordance with Annex III, Part A, point 1.2.4.(a);’.

ANNEX II

Annex II to Regulation (EU) 2019/631 is amended as follows:

(1) Part A is amended as follows:

(a) point 1a is amended as follows:

(i) the introductory wording is replaced by the following:

‘Member States shall, for each calendar year, record the following detailed data for each new passenger car registered as an M₁ vehicle in their territory and transmit it to the Commission in accordance with Article 7(2) in the format set out in Part B, Section 2A:’;

(ii) the following point (5a) is inserted:

‘(5a) Roadload family’s identifier or Roadload Matrix family’s identifier;’;

(iii) the following point (9a) is inserted:

‘(9a) Character corresponding to the provisions used for type-approval;’;

(iv) points (19), (22), (23) and (24) are deleted;

(v) the second paragraph is deleted;

(b) point 2 is replaced by the following:

‘2. The detailed data referred to in point 1a. shall be taken from the certificate of conformity of the relevant passenger car unless indicated otherwise in Part B, Section 2A of this Annex.’;

(2) in Part B, Section 2A, the table is amended as follows:

(a) in the first column, in the first entry, the heading ‘Reference to point 1 and 1a of Part A’ is replaced by the following:

‘Reference to point 1a. of Part A’;

(b) the following entry (5a) is inserted:

‘(5a)	Roadload family’s identifier or Roadload Matrix family’s identifier	0.2.3.4. 0.2.3.5’
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(c) the following entry (9a) is inserted:

‘(9a)	Character corresponding to the provisions used for type-approval	47’
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(d) entry (14) is replaced by the following:

‘(14)	Fuel type	26
	Fuel mode	26.1 23 (in case of battery electric vehicles) 23.1 (in case of off-vehicle charging hybrid electric vehicles)’

(e) the entries (19)/(19), (22), (23) and (24) and are deleted;

(f) note 4 is deleted.

ANNEX III

Annex III to Regulation (EU) 2019/631 is amended as follows:

(1) Part A is amended as follows:

(a) point 1.1a. is amended as follows:

(i) the heading and the introductory wording are replaced by the following:

‘1.1a. Reporting by Member States on vehicles registered as N₁ vehicles

Member States shall, for each calendar year, record the following detailed data for each new complete or completed light commercial vehicle registered as N₁ vehicle in their territory and transmit it to the Commission in accordance with Article 7(2) in the format set out in Part C, Section 2a;’

(ii) point (1) is replaced by the following:

‘(1) the manufacturer (in case of completed vehicles: the base vehicle manufacturer);’

(iii) the following point (5a) is inserted:

‘(5a) Roadload family’s identifier or Roadload Matrix family’s identifier;’

(iv) the following point (7a) is inserted:

‘(7a) Complete or completed vehicle;’

(v) the following point (9a) is inserted:

‘(9a) Character corresponding to the provisions used for type-approval;’

(vi) point (12) is replaced by the following:

‘(12) Mass in running order of the complete or completed vehicle;’

(vii) the following point (12a) is inserted:

‘(12a) In case of completed vehicles, mass in running order of the base vehicle;’

(viii) points (19), (23), (24) and (25) are deleted;

(ix) the second paragraph is deleted;

(b) points 1.2.1. and 1.2.1.2a. are deleted;

(c) point 1.2.2. is amended as follows:

(i) the introductory wording is replaced by the following:

‘For each new completed vehicle reported by the Member States in accordance with point 1.1a., the manufacturer of the base vehicle shall report to the Commission the data specified in points (a) and (b) of this point for each base vehicle with the same vehicle identification number as that of the completed vehicle. The data shall be reported within three months of the manufacturer being notified of the provisional data in accordance with Article 7(4), second subparagraph.’;

(ii) point (a) is amended as follows:

— point (ii) is replaced by the following:

‘vehicle interpolation family identifier as referred to in paragraph 6.2.6 of UN Regulation 154’;

— points (iv), (v) and (viii) are deleted;

— point (vii) is replaced by the following:

‘(vii) mass in running order of the incomplete base vehicle.’;

(iii) in point (b), point (iv) is replaced by the following:

‘(iv) mass in running order of the complete base vehicle.’;

(d) in point 1.2.3, the second paragraph is replaced by the following:

‘Where the data referred to in point 1.2.2 is not reported by the manufacturer of the base vehicle, the specific CO₂ emissions and mass in running order reported by the Member States for the related completed vehicle, in accordance with point 1.1a., shall be used for determining whether the vehicle falls within the scope of this Regulation and for the calculation of the average specific emissions of CO₂ and the specific emissions target of the base vehicle manufacturer concerned.’;

(e) point 1.2.4 is amended as follows:

(i) the introductory wording is replaced by the following:

‘A manufacturer shall, starting from calendar year 2020, calculate the monitoring CO₂ emissions for each of its individual incomplete base vehicles in accordance with the interpolation method referred to in points 3.2.3.2. or 3.2.4. of Annex B7 to UN Regulation 154, using the same method as that applied for the EC type-approval of the base vehicle with regard to its emissions, where the terms shall be as defined in those points with the following exceptions:’;

(ii) point (a) is replaced by the following:

‘(a) Mass of the individual vehicle

The term “TM_{ind}” referred to in paragraph 3.2.3.2.2.1 or 3.2.4.1.1.1 of Annex B7 to UN Regulation 154 shall be replaced by the base vehicle default mass, DM_{base}. Where DM_{base} is lower than the test mass of vehicle low of the interpolation family (TM_L), TM_{ind} shall be replaced by TM_L. Where DM_{base} is higher than the test mass of vehicle high of the interpolation family (TM_H), TM_{ind} shall be replaced by TM_H.

DM_{base} shall be determined in accordance with the following formula:

$$DM_{base} = MRO_{base} \times B_0 + 25 \text{ kg} + 0,28 \times (TPMLM - MRO_{base} \times B_0 - 25 \text{ kg})$$

Where:

MRO _{base}	is the mass in running order of the base vehicle as defined in paragraph 3.2.5 of UN Regulation No 154;
B ₀	is the body mass value of 1,375 until calendar year 2022 and of 1,351 for calendar years 2023 until 2034;
TPMLM	is the technically permissible maximum laden mass as defined in point paragraph 3.2.23 of UN Regulation 154.’;

(iii) point (b) is replaced by the following:

‘(b) Rolling resistance of the individual vehicle

The rolling resistance of the base vehicle shall be used for the purposes of paragraph 3.2.3.2.2.2 or 3.2.4.1.1.2 of Annex B7 to UN Regulation 154.’;

(iv) point (c) is replaced by the following:

‘(c) Aerodynamic influence of the individual vehicle

In the case of an incomplete base vehicle that belongs to a roadload matrix family, the manufacturer shall determine the term “A_{f,ind}” referred to in paragraph 3.2.4.1.1.3 of Annex B7 to UN Regulation 154 in accordance with one of the following options:

- (i) frontal area of the representative vehicle of the roadload matrix family, in m²;
- (ii) the mean value of the frontal area of vehicle high and vehicle low of the interpolation family, in m²;
- (iii) the frontal area of the vehicle high of the interpolation family, in case the interpolation method is not used, in m².

In the case of an incomplete base vehicle that does not belong to a roadload matrix family, the term “ $f_{2,ind}$ ” referred to in paragraph 3.2.3.2.2.4 of Annex B7 to UN Regulation 154 shall be set equal to one of the following:

(i) the mean value of the terms “ $f_{2,L}$ ” and “ $f_{2,H}$ ” referred to in that point;

(ii) the term “ $f_{2,H}$ ” referred to in that point.’;

(f) point 2 is replaced by the following:

‘2. The detailed data referred to in point 1.1.a. shall be taken from the certificate of conformity of the relevant light commercial vehicle unless indicated otherwise in Part C, Section 2a.’;

(2) Part B is deleted;

(3) in Part C, Section 2a is amended as follows:

(a) the heading of the first column ‘Reference to point 1 and 1a of Part A’ is replaced by the following:

‘Reference to Part A, point 1.1a’;

(b) entry (1) is replaced by the following:

‘(1)	Manufacturer name (EU standard denomination) ⁽¹⁾	Name assigned by the Commission
	Manufacturer name ⁽²⁾	0.5, or in the case of vehicles subject to multi-stage type approval, 0.5.1 (name of the base vehicle manufacturer)’

(c) the following entry (5a) is inserted:

‘(5a)	Roadload family’s identifier or Roadload Matrix family’s identifier	0.2.3.4. 0.2.3.5.’
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(d) the following entry (7a) is inserted:

‘(7a)	Complete or completed vehicle	0.4’
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(e) the following entry (9a) is inserted:

‘(9a)	Character corresponding to the provisions used for type-approval	47’
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(f) entry (12) is replaced by the following:

‘(12)	Mass in running order of the complete or completed vehicle	13’
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(g) the following entry (12a) is inserted:

‘(12a)	Mass in running order of the base vehicle (in case of completed vehicle)	14’
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(h) entry (14) is replaced by the following:

'(14)	Fuel type	26
	Fuel mode	26.1 23 (in case of battery electric vehicles) 23.1 (in case of off-vehicle charging hybrid electric vehicles)

(i) entry (22) is replaced by the following:

'(22)	Technically permissible maximum laden mass (TPMLM)	16.1'
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(j) the entries (19), (23), (24) and (25) are deleted;

(k) note 4 is deleted.
