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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2019/1939

of 7 November 2019

amending Regulation (EU) No 582/2011 as regards Auxiliary Emission Strategies (AES), access to vehicle OBD information and vehicle repair and maintenance information, measurement of emissions during cold engine start periods and use of portable emissions measurement systems (PEMS) to measure particle numbers, with respect to heavy duty vehicles

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to 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 ([1]), and in particular Articles 4(3), 5(4), 6(2) and 12 thereof.

Whereas:

(1) The rules for declaring and assessing Auxiliary Emission Strategies (AES) were recently changed for light passenger and commercial vehicles by Commission Regulation (EU) 2017/1151 ([2]). The provisions already established in Commission Regulation (EU) No 582/2011 ([3]) for heavy duty vehicles should be aligned for the sake of consistency.

(2) In-service conformity testing represents one of the building blocks of the vehicle type-approval procedure and allows the performance of emission control systems to be verified throughout a vehicle's useful life. Commission Regulation (EU) No 582/2011 requires the tests to be performed by means of a portable emissions measurement system (PEMS), which assesses emissions under normal conditions of use. The PEMS approach is equally used to check off-cycle emissions during type-approval.

([1]) OJ L 188, 18.7.2009, p. 1.

([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 Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1).

(3) The emissions performance of heavy duty vehicles in the period following a cold engine start is currently not assessed as part of the type-approval demonstration test or the in-service conformity test. Following a monitoring exercise when data from type-approval and in-service conformity tests were collected and analysed, it was found that significant amounts of the total NO_x emitted were excluded from the analysis as a result of not assessing the cold engine start period. In order to represent real world emissions better, the measurement procedure should therefore be revised to include measurement of pollutant emissions during the cold engine start period.

(4) Particle number measurements using PEMS have been successfully implemented under the emissions type-approval rules for light passenger and commercial vehicles ([4]). Following a pilot study by the Commission's Joint Research Centre in which an analysis was performed on the portable particle number equipment for heavy duty vehicles, it is considered appropriate to introduce a similar requirement in the emissions type-approval rules for heavy duty vehicles. The Commission will be obliged under Regulation (EC) No 595/2009 to keep the level of the final conformity factor for particle number emissions under review, taking into account technical progress.

(5) The Commission recognises that vehicles equipped with a spark-ignition engine or a dual-fuel engine fuelled with gas from Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG) or Liquefied Petroleum Gas (LPG) may require technical adaptations to comply with the particle number conformity factor. In order to ensure a sufficient lead time to allow manufacturers of gas engines to modify their products in accordance with the requirements laid down by this Regulation, a transitional period should be permitted for compliance with the maximum allowed conformity factor for vehicles equipped with such engines.

(6) The requirements introduced by this Regulation for in-service conformity testing should not apply retroactively to engines and vehicles which were type-approved before introduction of those requirements. Therefore, the amendments set out in Annexes I, II and III to this Regulation should only apply to the in-service conformity testing of new types of engine or vehicle, in other words to engines or vehicles which are type-approved in accordance with the amendments introduced by this Regulation.

(7) The rules on access to vehicle OBD information and vehicle repair and maintenance information have been incorporated into Regulation (EU) 2018/858 of the European Parliament and of the Council ([5]), which applies from 1 September 2020. Therefore, the provisions in Regulation (EU) No 582/2011 relating to access to such information should be omitted with effect from that date.

(8) Regulation (EU) No 582/2011 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 582/2011 is amended as follows:

(1) Article 2 is amended as follows:

(a) in point (5), the words 'and vehicle repair and maintenance information' are deleted;

([4]) Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending 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 (OJ L 199, 28.7.2008, p. 1).

([5]) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

(b) point (43) is deleted;

(c) the following point is added:

'(57) "Particulate Matter number" (PM number) means the total number of solid particles emitted from the exhaust quantified according to the dilution, sampling and measurement methods as specified in Annex 4 to UNECE Regulation 49 (*).

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(*) 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).';

(2) Articles 2a, 2b, 2c, 2d, 2e, 2f, 2g and 2h are deleted;

(3) Article 3 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. In order to receive an EU type-approval of an engine system or engine family as a separate technical unit, an EU type-approval of a vehicle with an approved engine system with regard to emissions, or an EU type-approval of a vehicle with regard to emissions, the manufacturer shall, in accordance with the provisions of Annex I, demonstrate that the vehicles or engine systems or engine families are subject to the tests and comply with the requirements set out in Articles 4 and 14 and in Annexes III to VIII, X, XIII and XIV. The manufacturer shall also ensure compliance with the specifications of reference fuels set out in Annex IX. In the case of dual-fuel engines and vehicles, the manufacturer shall, in addition, comply with the requirements set out in Annex XVIII.

In order to receive an EU type-approval of a vehicle with an approved engine system with regard to emissions, or an EU type-approval of a vehicle with regard to emissions, the manufacturer shall also demonstrate that the requirements laid down in Article 6 of and Annex II to Commission Regulation (EU) 2017/2400 (*) are met with respect to the vehicle group concerned. However, that requirement shall not apply where the manufacturer indicates that new vehicles of the type to be approved will not be registered, placed on the market or entered into service in the Union on or after the dates laid down in points (a), (b) and (c) of paragraph 1 of Article 24 of Regulation (EU) 2017/2400 for the respective vehicle group.

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(*) 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_2 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).';

(b) paragraphs 1a, 1b and 1c are deleted;

(c) paragraph 2 is replaced by the following:

'2. In order to receive an EU type-approval of a vehicle with an approved engine system with regard to emissions, or an EU type-approval of a vehicle with regard to emissions, the manufacturer shall ensure compliance with the installation requirements set out in Section 4 of Annex I and, in the case of dual-fuel vehicles, with the additional installation requirements set out in Section 6 of Annex XVIII.';

(d) paragraph 3 is replaced by the following:

'3. In order to receive an extension of the EU type-approval of a vehicle with regard to emissions type-approved under this Regulation with a reference mass exceeding 2 380 kg but not exceeding 2 610 kg, the manufacturer shall meet the requirements set out in Section 5 of Annex VIII.';

(e) paragraph 6 is replaced by the following:

'6. In order to receive an EU type-approval of an engine system or engine family as a separate technical unit or an EU type-approval of a vehicle with regard to emissions for the purposes of obtaining universal fuel-range type-approval, a restricted fuel-range type-approval or a fuel-specific type-approval, the manufacturer shall ensure compliance with the requirements set out in Section 1 of Annex I.';

(4) Article 5 is amended as follows:

(a) the heading is replaced by the following:

'**Application for EU type-approval of an engine system or engine family as a separate technical unit with regard to emissions**';

(b) paragraph 3 is replaced by the following:

'3. Together with the application, the manufacturer shall provide a documentation package that fully explains any element of design which affects emissions, the emission control strategy of the engine system, the means by which the engine system controls the output variables which have a bearing upon emissions, whether that control is direct or indirect, anti-tampering measures and fully explains the warning and inducement system required by Sections 4 and 5 of Annex XIII. The documentation package shall be identified and dated by the approval authority and kept by that authority for at least 10 years after the approval is granted.

The documentation package shall consist of the following parts:

the information set out in Section 8 to Annex I,

an AES documentation package, as described in Appendix 11 of Annex I to this Regulation in order for the approval authorities to be able to assess the proper use of AES.

At the request of the manufacturer, the approval authority shall conduct a preliminary assessment of the AES for new vehicle types. In that case, the manufacturer shall provide the draft AES documentation package to the approval authority between 2 and 12 months before the start of the type-approval process.

The approval authority shall make a preliminary assessment on the basis of the draft AES documentation package provided by the manufacturer. The approval authority shall make the preliminary assessment in accordance with the methodology described in Appendix 2 of Annex VI. The approval authority may deviate from that methodology in exceptional and duly justified cases.

The preliminary assessment of the AES for new vehicle types shall remain valid for the purposes of type approval for a period of 18 months. That period may be extended by a further 12 months if the manufacturer provides the approval authority with proof that no new technologies have become available on the market that would change the preliminary assessment of the AES.

A list of AES which were deemed non-acceptable by approval authorities shall be compiled yearly by the Forum for Exchange of Information on Enforcement and made available to the public by the Commission.'

(c) in paragraph 4, points (d) and (g) are deleted;

(5) Article 6 is amended as follows:

(a) the heading is replaced by the following:

'**Administrative provisions for EU type-approval of an engine system or engine family as a separate technical unit with regard to emissions**';

(b) in paragraph 1, the first and second subparagraphs are replaced by the following:

'If all the relevant requirements are met, the approval authority shall grant an EU type-approval of an engine system or engine family as a separate technical unit and issue a type-approval number in accordance with the numbering system set out in the applicable implementing act adopted pursuant to Article 28(3) of Regulation (EU) 2018/858 of the European Parliament and of the Council (*).

Without prejudice to the provisions of that implementing act, Section 3 of the type-approval number shall be drawn up in accordance with Appendix 9 to Annex I to this Regulation.

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(*) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1)';

(c) in paragraph 1a, point (b) is deleted;

(6) Article 7 is amended as follows:

(a) the heading is replaced by the following:

'**Application for EU type-approval of a vehicle with an approved engine system with regard to emissions**';

(b) paragraph 1 is replaced by the following:

'1. The manufacturer shall submit to the approval authority an application for EU type-approval of a vehicle with an approved engine system with regard to emissions.';

(c) in paragraph 4, points (c) and (d) are deleted;

(7) Article 8 is amended as follows:

(a) the heading is replaced by the following:

'**Administrative provisions for EU type-approval of a vehicle with an approved engine system with regard to emissions**';

(b) in paragraph 1, the first and second subparagraphs are replaced by the following:

'If all the relevant requirements are met, the approval authority shall grant an EU type-approval of a vehicle with an approved engine system with regard to emissions and issue a type-approval number in accordance with the numbering system set out in the applicable implementing act adopted pursuant to Article 28(3) of Regulation (EU) 2018/858.

Without prejudice to the provisions of that implementing act, Section 3 of the type-approval number shall be drawn up in accordance with Appendix 9 to Annex I to this Regulation.';

(c) paragraph 1a is amended as follows:

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

'As an alternative to the procedure provided for in paragraph 1, the approval authority shall grant an EU type-approval of a vehicle with an approved engine system with regard to emissions if all the following conditions are fulfilled:';

(ii) point (b) is deleted;

(8) Article 9 is amended as follows:

(a) the heading is replaced by the following:

'**Application for EU type-approval of a vehicle with regard to emissions**';

(b) paragraph 1 is replaced by the following:

'1. The manufacturer shall submit to the approval authority an application for EU type-approval of a vehicle with regard to emissions.';

(9) Article 10 is amended as follows:

(a) the heading is replaced by the following:

'**Administrative provisions for EU type-approval of a vehicle with regard to emissions**';

(b) in paragraph 1, the first and second subparagraphs are replaced by the following:

'If all the relevant requirements are met, the approval authority shall grant an EU type-approval of a vehicle with regard to emissions and issue a type-approval number in accordance with the numbering system set out in the applicable implementing act adopted pursuant to Article 28(3) of Regulation (EU) 2018/858.

Without prejudice to the provisions of that implementing act, Section 3 of the type-approval number shall be drawn up in accordance with Appendix 9 to Annex I to this Regulation.';

(c) paragraph 1a is amended as follows:

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

'As an alternative to the procedure provided for in paragraph 1, the approval authority shall grant an EU type-approval of a vehicle with regard to emissions if all the following conditions are fulfilled:';

(ii) point (b) is deleted;

(10) in Article 16, paragraph 3 is deleted;

(11) in Article 17a, the following paragraphs are added:

'3. With effect from 1 January 2021, national authorities shall refuse, on grounds relating to emissions, to grant EU type-approval or national type-approval in respect of new types of vehicle or engine which do not comply with the requirements of this Regulation as amended by Commission Regulation (EU) 2019/1939 (*).

By way of derogation from the first subparagraph, new types of positive-ignition engines, type 1A dual-fuel engines and type 1B dual-fuel engines (in dual-fuel mode), and vehicles equipped with such engines, shall comply with the maximum allowed conformity factor for PM number according to point 6.3 of Annex II with effect from 1 January 2023. However, as from 1 January 2021, the particle number work window conformity factor and CO_2 mass window conformity factor shall be stated in the PEMS demonstration test results on the type-approval certificate for monitoring purposes.

4. With effect from 1 January 2022, national authorities shall, in the case of new vehicles which do not comply with the requirements of this Regulation as amended by Regulation (EU) 2019/1939, consider certificates of conformity issued in respect of those vehicles to be no longer valid for the purposes of Article 48 of Regulation (EU) 2018/858 and shall, on grounds relating to emissions, prohibit the registration, making available on the market and entry into service of such vehicles.

By way of derogation from the first subparagraph, with effect from 1 January 2024, national authorities shall, in the case of new vehicles equipped with positive-ignition engines, type 1A dual-fuel engines and type 1B dual-fuel engines (in dual-fuel mode) which do not comply with the maximum allowed conformity factor for PM number according to point 6.3 of Annex II and the requirements of this Regulation as amended by Regulation (EU) 2019/1939, consider certificates of conformity issued in respect of those vehicles to be no longer valid for the purposes of Article 48 of Regulation (EU) 2018/858 and shall, on grounds relating to emissions, prohibit the registration, making available on the market and entry into service of such vehicles. However, as from 1 January 2022, the particle number work window conformity factor and CO_2 mass window conformity factor shall be stated in the PEMS demonstration test results on the type-approval certificate for monitoring purposes.

With effect from 1 January 2022 and except in the case of replacement engines for in-service vehicles, national authorities shall on grounds relating to emissions prohibit the making available on the market and entry into service of new engines which do not comply with the requirements of this Regulation as amended by Regulation (EU) 2019/1939.

By way of derogation from the third subparagraph, with effect from 1 January 2024, and except in the case of replacement engines for in-service vehicles, national authorities shall, on grounds relating to emissions, prohibit the making available on the market and entry into service of new positive-ignition engines, new type 1A dual-fuel engines and new type 1B dual-fuel engines (in dual-fuel mode) which do not comply with the requirements of this Regulation as amended by Regulation (EU) 2019/1939.

(*) Commission Regulation (EU) 2019/1939 of 7 November 2019 amending Regulation (EU) No 582/2011 as regards Auxiliary Emission Strategies (AES), access to vehicle OBD information and vehicle repair and maintenance information, measurement of emissions during cold engine start periods and use of portable emissions measurement systems (PEMS) to measure particle numbers, with respect to heavy duty vehicles (OJ L 303, 25.11.2019, p. 1)';

(12) Annex I is amended in accordance to Annex I to this Regulation;

(13) Annex II is amended in accordance to Annex II to this Regulation;

(14) Annex VI is amended in accordance to Annex III to this Regulation;

(15) in Annex VIII, point 5.1.2. is replaced by the following:

'5.1.2. Paragraph A.1.2.1 of Appendix 1 of Annex 12 to UNECE Regulation No 49 shall be understood as follows:

"A.1.2.1. In order to receive an extension of an EU type-approval for a vehicle in respect of its engine type-approved under Regulation (EC) No 595/2009 and this Regulation to a vehicle with a reference mass exceeding 2 380 kg but not exceeding 2 610 kg, the manufacturer shall meet the requirements relating to the measurement of CO_2 emissions and fuel consumption established by the type 1 emissions test procedures set out in sub-annex 6 to Annex XXI to Commission Regulation (EU) 2017/1151 with only speed trace and RCB corrections. The CO_2 emissions shall be determined in accordance with table A6/2 not taking into account the criteria emission test results, where the vehicle during testing shall apply no AES and be considered as VH. The test reports specified in Appendices 8a part I until point 2.1. included and 8b of Annex I, to Commission Regulation (EU) 2017/1151, shall be submitted to the type approval authorities including the results of pollutant emissions.

The manufacturer shall provide the type approval authority with a signed declaration that all variants and versions for which this extension is requested are in conformity with the type-approval emission requirements in Regulation (EC) No 595/2009 and that the type 1 test was performed in compliance with the previous paragraph.

Existing EU type-approvals for a vehicle with a reference mass exceeding 2 380 kg but not exceeding 2 610 kg, in respect of its engine type-approved under Regulation (EC) No 595/2009, may be extended at the latest by the application date of this Regulation.

For dedicated compression ignition engines fuelled with ethanol (ED95), a fixed carbon-hydrogen-oxygen ratio shall be used for the purposes of calculating fuel consumption values, which shall be $C_1H_{2,92}O_{0,46}$.";

(16) in Annex X, the following point is inserted after point 2.4.1.3.:

'2.4.1.4. The OBD standard Euro 6-2 in Table 1 of Appendix 6 to Annex I to Commission Regulation (EU) 2017/1151 shall be considered equivalent to the character E of Table 1 of Appendix 9 to Annex I to this Regulation.';

(17) in Annex XI, in Appendix 1, in the model of the information document, points 2 to 2.3. are deleted;

(18) in Annex XIII, the second paragraph of point 12 is replaced by the following:

'This Appendix applies when the vehicle manufacturer requests EU type-approval of a vehicle with an approved engine with regard to emissions in accordance with Regulation (EC) No 595/2009 and this Regulation.';

(19) Annex XVII is deleted.

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*.

It shall apply from 1 January 2021.

Article 1(15) shall apply from the date of entry into force.

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

Done at Brussels, 7 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Annex I to Regulation (EU) No 582/2011 is amended as follows:

(1) in point 3.1., the introductory wording is replaced by the following:

'In the case of an engine type-approved as a separate technical unit or a vehicle type-approved with regard to emissions, the engine shall bear:';

(2) point 3.4. is replaced by the following:

'3.4. In the case of an application for EU type-approval of a vehicle with an approved engine with regard to emissions or for EU type-approval of a vehicle with regard to emissions, the label specified in Section 3.3 shall also be placed close to the fuel filling aperture.';

(3) Section 8 is replaced by the following:

'8. DOCUMENTATION

8.1. The documentation package required by Articles 5, 7 and 9 enabling the approval authority to evaluate the emission control strategies and the systems on-board the vehicle and engine to ensure the correct operation of NOx control measures, as well as the documentation packages required by Annex VI (off-cycle emissions), Annex X (OBD) and Annex XVIII (dual-fuel engines) shall include the following information:

(a) a full description of the inducement system required by Annex XIII, including the associated monitoring strategies;

(b) the description of the anti-tampering measures considered in point (b) of Article 5(4) and in point (a) of Article 7(4).';

(4) Appendix 4 is amended as follows:

(a) the first paragraph is replaced by the following:

'relating to:

EU type-approval of an engine or engine family as a separate technical unit,

EU type-approval of a vehicle with an approved engine with regard to emissions,

EU type-approval of a vehicle with regard to emissions.';

(b) under the heading 'Explanatory notes (regarding filling in the table)', the fourth, fifth and sixth paragraphs are replaced by the following:

'In the case of application for EU type-approval of an engine or engine family as a separate technical unit the general part and Part 1 shall be filled in.

In the case of application for EU type-approval of a vehicle with an approved engine with regard to emissions the general part and Part 2 shall be filled in.

In the case of application for EU type-approval of a vehicle with regard to emissions the general part and Parts 1 and 2 shall be filled in.';

(c) in the 'general part' of the table, the fifth row is replaced by the following:

'0.2.0.3.	Engine type as separate technical unit/engine family as separate technical unit/vehicle with an approved engine with regard to emissions/vehicle with regard to emissions ([1])'	

(d) below the 'general part' of the table, the words 'Part 3: ACCESS TO VEHICLE REPAIR AND MAINTENANCE INFORMATION' are deleted;

(e) Part 3 of the table is deleted;

(5) in Appendix 5, in Table 6a (PEMS demonstration test) under point 1.4.4. of the Addendum to an EU type-approval certificate, the rows concerning 'Pass-fail results' for the 'Work window conformity factor' and the 'CO_2 mass window conformity factor' are replaced by the following:

'Pass-fail results ([7])	CO	THC	NMHC	CH_4	NO_x	PM number
Work window conformity factor([11])						
CO_2 mass window conformity factor([11])'						

(6) in Appendix 7, in Table 6a (PEMS demonstration test) under point 1.4.4. of the Addendum to an EU type-approval certificate, the rows concerning 'Pass-fail results' for the 'Work window conformity factor' and the 'CO_2 mass window conformity factor' are replaced by the following:

'Pass-fail results([7])	CO	THC	NMHC	CH_4	NO_x	PM number
Work window conformity factor([11])						
CO_2 mass window conformity factor([11])'						

(7) in Appendix 9, Table 1 and the accompanying Key are replaced by the following:

'Table 1

Character	NO_x OTL [1]	PM OTL [2]	CO OTL [3]	IUPR [4]	Reagent quality	Additional OBD monitors [5]	Power threshold requirements [6]	Cold start and PM number	Implementation dates: new types	Implementation dates: all vehicles	Last date of registration
A [7] [8] B [8]	Row "phase-in period" of Table 1 or Table 2	Performance Monitoring [9]	(N/A)	Phase-in [10]	Phase-in [11]	(N/A)	20 %	(N/A)	31.12.2012	31.12.2013	31.8.2015 [7] 30.12.2016 [8]
B [12]	Row "phase-in period" of Tables 1 and 2	(N/A)	Row "phase-in period" of Table 2	(N/A)	Phase-in [11]	(N/A)	20 %	(N/A)	1.9.2014	1.9.2015	30.12.2016
C	Row "general requirements" of Table 1 or Table 2	Row "general requirements" of Table 1	Row "general requirements" of Table 2	General [13]	General [14]	Yes	20 %	(N/A)	31.12.2015	31.12.2016	31.8.2019
D	Row "general requirements" of Table 1 or Table 2	Row "general requirements" of Table 1	Row "general requirements" of Table 2	General [13]	General [14]	Yes	10 %	(N/A)	1.9.2018	1.9.2019	31.12.2021
E	Row "general requirements" of Table 1 or Table 2	Row "general requirements" of Table 1	Row "general requirements" of Table 2	General [13]	General [14]	Yes	10 %	Yes	1.1.2021 [15]	1.1.2022 [15]	

Character	NO_x OTL ([1])	PM OTL ([2])	CO OTL ([3])	IUPR ([4])	Reagent quality	Additional OBD monitors ([5])	Power threshold requirements ([6])	Cold start and PM number	Implementation dates: new types	Implementation dates: all vehicles	Last date of registration

Key:
([1]) "NO_x OTL" monitoring requirements as set out in Table 1 of Annex X for compression ignition and dual-fuel engines and vehicles and Table 2 of Annex X for positive ignition engines and vehicles.
([2]) "PM OTL" monitoring requirements as set out in Table 1 of Annex X for compression ignition and dual-fuel engines and vehicles.
([3]) "CO OTL" monitoring requirements as set out in Table 2 of Annex X for positive ignition engines and vehicles.
([4]) IUPR specifications are set out in Annex X. Positive Ignition engines and vehicles equipped with such engines are not subjected to IUPR.
([5]) Additional provisions concerning monitoring requirements as set out in paragraph 2.3.1.2 of Annex 9A to UNECE Regulation No 49.
([6]) ISC requirement set out in Appendix 1 to Annex II.
([7]) For positive-ignition engines and vehicles equipped with such engines.
([8]) For compression-ignition and dual-fuel engines and vehicles equipped with such engines.
([9]) "Performance monitoring" requirements as set out in point 2.1.1 of Annex X.
([10]) IUPR "Phase-in" requirements as set out in Section 6 of Annex X
([11]) Reagent quality "phase-in" requirements as set out in point 7.1 of Annex XIII.
([12]) Only applicable to positive-ignition engines and vehicles equipped with such engines.
([13]) IUPR "General" requirements as set out in Section 6 of Annex X.
([14]) Reagent quality "general" requirements as set out in point 7.1.1 of Annex XIII.
([15]) Subject to transitional measures laid down in Article 17a.
(N/A) Not applicable.';

(8) in Appendix 10, the following explanatory note is inserted:

'([11]) CF_{final} needs to be stated, if applicable';

(9) the following Appendix is added:

'Appendix 11

AES Documentation Package

The AES documentation package shall include the following:

(A) information on all AES:

(a) a declaration of the manufacturer that the engine system or engine family type approved as a separate technical unit, or the vehicle with an approved engine system with regard to emissions, or an vehicle type approved with regard to emissions, does not contain any defeat strategy;

(b) a description of the engine and the emission control strategies and devices employed, whether software or hardware, and any condition(s) under which the strategies and devices will not operate as they do during testing for Type Approval;

(c) a declaration of the software versions used to control the AES/BES, including the appropriate checksums of these software versions and instructions to the authority on how to read the checksums; the declaration shall be updated and sent to the approval authority that holds this documentation package each time there is a new software version that has an impact to the AES/BES;

(d) detailed technical reasoning of any AES including a risk assessment estimating the risk with and without the AES, and including the following:

(i) information on the hardware element(s) that need to be protected by the AES, where applicable;

(ii) proof of sudden and irreparable engine damage that cannot be prevented by regular maintenance and would occur in the absence of the AES, where applicable;

(iii) a reasoned explanation on why there is a need to use an AES upon engine starting or warm up, where applicable;

(e) a description of the fuel system control logic, timing strategies and switch points during all modes of operation;

(f) a description of the hierarchical relations among the AES (i.e., when more than one AES can be active concurrently, an indication of which AES is primary in responding, the method by which strategies interact, including data flow diagrams and decision logic and how does the hierarchy assure emissions from all AES are controlled to the lowest practical level;

(g) a list of parameters which are measured and/or calculated by the AES, along with the purpose of every parameter measured and/or calculated and how each of those parameters relates to engine damage; including the method of calculation and how well these calculated parameters correlate with the true state of the parameter being controlled and any resulting tolerance or factor of safety incorporated into the analysis;

(h) a list of engine/emission control parameters which are modulated as a function of the measured or calculated parameter(s) and the range of modulation for each engine/emission control parameter; along with the relationship between engine/emission control parameters and measured or calculated parameters;

(i) an evaluation of how the AES will control real-driving emissions to the lowest practical level, including a detailed analysis of the expected increase of total regulated pollutants and CO_2 emissions by using the AES, compared to the BES;

The AES documentation package shall be limited to 100 pages and shall include all the main elements to allow the approval authority to assess the AES (according to the requirements of Annex VI, appendix 2), the effectiveness of the inducement system and the anti-tampering measures. The package may be complemented with annexes and other attached documents, containing additional and complementary elements, if necessary. The manufacturer shall send a new version of the AES documentation package to the approval authority every time changes are introduced to the AES. The new version shall be limited to the changes and their effect. The new version of the AES shall be evaluated and approved by the approval authority.

The AES documentation package shall be structured as follows:

AES Documentation Package No YYY/OEM

Parts	paragraph	point	Explanation
Introduction documents		Introduction letter to TAA	Reference of the document with the version, the date of issuing the document, signature by the relevant person in the manufacturer organisation
		Versioning table	Content of each version modifications: and with part is modified
		Description of the (emission) types concerned	
		Attached documents table	List of all attached documents
		Cross references	Link to paragraph (a) to (i) of Appendix 11 (where to find each requirement of the regulation)
		Absence of defeat device declaration	+ Signature
Core document	0	Acronyms/abbreviations	
	1	GENERAL DESCRIPTION	
	1.1	Engine general presentation	Description of main characteristics: displacement, after treatment,…
	1.2	General system architecture	System bloc diagram: list of sensors and actuators, explanation of engine general functions
	1.3	Reading of software and calibration version	E.g. scan-tool explanation
	2	Base Emission Strategies	
	2.x	BES x	Description of strategy x
	2.y	BES y	Description of strategy y
	3	Auxiliary Emission Strategies	
	3.0	Presentation of the AESs	Hierarchical relations among AES: description and justification (e.g. safety, reliability, etc.)
	3.x	AES x	3.x.1 AES justification 3.x.2 measured and/or modelled parameters for AES characterization 3.x.3 Action mode of AES — Parameters used 3.x.4 Effect of AES on pollutants and CO_2

Parts	paragraph	point	Explanation
	3.y	AES y	3.y.1 3.y.2 etc.
	4.	Description of the inducement system, including the associated monitoring strategies	
	5.	Description of the anti-tampering measures	
	100 page limit ends here		
	Annex		List of types covered by this BES-AES: including Type Approval reference, software reference, calibration number, checksums of each version and of each electronic control unit (engine and/or after-treatment if any)
Attached documents		Technical note for AES justification n°xxx	Risk assessment or justification by testing or example of sudden damage, if any
		Technical note for AES justification n°yyy	
		Test report for specific AES impact quantification	Test report of all specific tests done for AES justification, test conditions details, description of the vehicle/date of the tests emission/CO_2 impact with/without AES activation'

ANNEX II

Annex II to Regulation (EU) No 582/2011 is amended as follows:

(1) in point 4.1. the following is inserted between the second and third paragraph:

'In case the legally permissible maximum vehicle weight is lower than the technically permissible laden mass of the vehicle, it is permitted to use the legally permissible maximum vehicle weight to determine the vehicle payload for the test run.';

(2) point 4.6.2. is replaced by the following:

'4.6.2. Emissions and other data sampling shall start prior to starting the engine. Cold start emissions shall be included in the emissions evaluation, in accordance with point 2.6.1. of Appendix 1.';

(3) point 6.3., including Table 2, is replaced by the following:

'6.3. The final conformity factor for the test (CF_{final}) for each pollutant calculated in accordance with Appendix 1 shall not exceed the maximum allowed conformity factor for that pollutant set out in Table 2.

Table 2

Maximum allowed conformity factors for in-service conformity emission testing

Pollutant	Maximum allowed conformity factor
CO	1,50
THC ([1])	1,50
NMHC ([2])	1,50
CH_4 ([2])	1,50
NO_x	1,50
PM number	1,63 ([3])

([1]) For compression-ignition engines.
([2]) For positive-ignition engines.
([3]) Subject to transitional measures laid down in Article 17a';

(4) the following point is inserted after point 10.1.8.5.:

'10.1.8.5a PM number concentration [#/cm^3]';

(5) the following point is inserted after point 10.1.9.5.:

'10.1.9.5a PM number flux [#/s]';

(6) the following point is inserted after point 10.1.9.10.:

'10.1.9.10a PM number [#]';

(7) the following point is inserted after point 10.1.9.19.:

'10.1.9.19a Work window PM number conformity factor [-]';

(8) the following point is inserted after point 10.1.9.24.:

'10.1.9.24a CO_2 mass window PM number conformity factor [-]';

(9) the following point is inserted after point 10.1.10.12.:

'10.1.10.12a. PM number [#].';

(10) the following point is inserted after point 10.1.11.5.:

'10.1.11.5a. Work window PM number conformity factor [-].';

(11) the following point is inserted after point 10.1.11.9.:

'10.1.11.9a CO_2 mass window PM number conformity factor [-].';

(12) the following point is inserted after point 10.1.12.4.:

'10.1.12.4a PM number analyser zero, pre and post test.';

(13) Appendix 1 is amended as follows:

(a) in point 1, the first paragraph is replaced by the following:

'This Appendix describes the procedure to determine pollutant emissions from on-vehicle on-road measurements using Portable Emissions Measurement Systems (hereinafter "PEMS"). The pollutant emissions to be measured from the exhaust of the engine include the following components: carbon monoxide, total hydrocarbons, nitrogen oxides and PM number for compression ignition engines and carbon monoxide, non-methane hydrocarbons, methane, nitrogen oxides and PM number for positive ignition engines. Additionally, carbon dioxide shall be measured to enable the calculation procedures described in Section 4.';

(b) point 2.1.1. is replaced by the following:

'2.1.1. Gas analysers and PM number analysers to measure the concentrations of regulated pollutants in the exhaust gas.';

(c) in point 2.2., Table 1 is replaced by the following:

'Table 1

Test parameters

Parameter	Unit	Source
THC concentration (1)	ppm	Gas analyser
CO concentration (1)	ppm	Gas analyser
NO_x concentration (1)	ppm	Gas analyser
CO_2 concentration (1)	ppm	Gas analyser
CH_4 concentration (1) (2)	ppm	Gas analyser
PM number concentration	#/cm³	PM number analyser
Dilution setting (if applicable)	-	PM number analyser
Exhaust gas flow	kg/h	Exhaust Flow Meter (hereinafter "EFM")
Exhaust temperature	K	EFM
Ambient temperature (3)	K	Sensor
Ambient pressure	kPa	Sensor
Engine torque (3)	Nm	ECU or Sensor
Engine speed	rpm	ECU or Sensor
Engine fuel flow	g/s	ECU or Sensor
Engine coolant temperature	K	ECU or Sensor
Engine intake air temperature (2)	K	Sensor
Vehicle ground speed	km/h	ECU and GPS
Vehicle latitude	degree	GPS
Vehicle longitude	degree	GPS

(1) Measured or corrected to a wet basis.
(2) Gas engines only.
(3) Use the ambient temperature sensor or an intake air temperature sensor.
(4) The recorded value shall be either (a) the net brake engine torque in accordance with point 2.4.4 of this Appendix or (b) the net brake engine torque calculated from the torque values in accordance with point 2.4.4 of this Appendix.';

(d) in Section 2.4, the following points are added:

'2.4.6. *Installation of PM number analyser*

The installation and operation of the PEMS shall be leak-tight and minimise heat loss. To avoid the generation of particles, connectors shall be thermally stable at the exhaust gas temperatures expected during the test. Where elastomer connectors are used to connect the vehicle exhaust outlet and the connecting tube, those connectors shall have no contact with the exhaust gas to avoid artefacts at high engine load.

2.4.7. *Sampling of PM number emissions*

Emissions sampling shall be representative and conducted at locations of well-mixed exhaust gas where the influence of ambient air downstream of the sampling point is minimal. Where applicable, emissions shall be sampled downstream of the exhaust mass flow meter, respecting a distance of at least 150 mm to the flow sensing element. The sampling probe shall be fitted at least 3 times the inner diameter of the exhaust pipe upstream of the point at which the exhaust exits into the environment. The exhaust shall be sampled from the centre of the exhaust stream. Where several probes are used for emissions sampling, the particle sampling probe shall be placed upstream of the other sampling probes. The particle sampling probe shall not interfere with the sampling of gaseous pollutants. The type and specifications of the probe and its mounting shall be documented in detail, either in the test report of the Technical Service (in the case of testing at type approval) or in the vehicle manufacturer's own documentation (in case of in-service conformity testing).

Where particles are sampled and not diluted at the tailpipe, the sampling line from the raw exhaust sample point to the point of dilution or particle detector shall be heated to a minimum of 373 K (100 °C).

All parts of the sampling system, from the exhaust pipe to the particle detector, which are in contact with raw or diluted exhaust gas, shall be designed to minimise the deposition of particles. All parts shall be made from anti-static material to prevent electrostatic effects.';

(e) in Section 2.5, the following point is added:

'2.5.5. *Checking the PM number analyser*

The PEMS shall function free of errors and critical warnings. The zero level of the PM number analyser shall be recorded by sampling high efficiency particulate filtered ambient air (HEPA) at the inlet of the sampling line in the 12 hour-period before test start. The signal shall be recorded at a constant frequency of at least 1,0 Hz averaged over a period of 2 minutes. The final absolute concentration shall be within the manufacturer's specifications and, in addition, shall not exceed 5 000 particles per cubic centimetre.';

(f) point 2.6.1. is replaced by the following:

'2.6.1. *Test start*

For the purposes of the test procedure, "test start" shall mean the first ignition of the internal combustion engine.

Emissions sampling, measurement of the exhaust parameters and recording of the engine and ambient data shall commence prior to the test start. Artificial warming up of the emission control systems of the vehicle prior to the test start shall be prohibited.

At test start, the temperature of the coolant shall not exceed the ambient temperature by more than 5 °C, and shall not exceed 303 K (30 °C). The data evaluation shall start once the coolant temperature has reached 303 K (30 °C) for the first time or once the coolant temperature is stabilised within +/– 2 K over a period of 5 minutes, whichever occurs first, but in any event no later than 10 minutes after test start.';

(g) point 2.6.3 is replaced by the following:

'2.6.3 *Test end*

Test end is reached when the vehicle has completed the trip and the internal combustion engine is switched off.

The internal combustion engine shall be switched off as soon as practicable at the end of the trip. Data shall continue to be recorded until the response time of the sampling systems has elapsed.';

(h) in Section 2.7., point 2.7.4. paragraph (a) is replaced by the following:

'(a) if the difference between the pre-test and post-test results is less than 2 % as specified in points 2.7.2 and 2.7.3, the measured concentrations may be used uncorrected or shall, at the request of the manufacturer, be corrected for drift according to point 2.7.5.';

(i) in Section 2.7, the following point is added:

'2.7.6 *Checking the PM number analyser*

The zero level of the PM number analyser shall be checked before test start and after test end and recorded in accordance with the requirements of point 2.5.5.';

(j) points 3.1.1., 3.1.2. and 3.1.3. are replaced by the following:

'3.1.1. *Analysers data*

The data from the gas analysers shall be properly aligned using the procedure laid down in paragraph 9.3.5 of Annex 4 to UNECE Regulation No 49. The data from the PM number analyser shall be time aligned with its own transformation time, according to the instrument manufacturer's instructions.

3.1.2. *Analysers and Exhaust Flow Meter (EFM) data*

The data from the gas analysers and the PM number analysers shall be properly aligned with the data of the EFM using the procedure in point 3.1.4.

3.1.3. *PEMS and engine data*

The data from the PEMS (gas analysers, PM number analyser and EFM) shall be properly aligned with the data from the engine ECU using the procedure in point 3.1.4.';

(k) in point 3.1.4, '1: Gas analysers (THC, CO, CO_2, NO_x concentrations);' is replaced by the following:

'1: Gas analysers (THC, CO, CO_2, NO_x concentrations) and PM number analyser;'

(l) in Section 3, the following point is added:

'3.6. **Calculation of the instantaneous PM number emissions**

The instantaneous PM number (PN_i) emissions [#/s] shall be determined by multiplying the instantaneous concentration of the PM number [#/cm³] with the instantaneous exhaust mass flow rate [kg/s], both corrected and aligned for the transformation time, according to paragraph 1.4.3. of Appendix 3. All negative instantaneous emissions values shall enter subsequent data evaluations as zero. All significant digits of intermediate results shall enter the calculation of the instantaneous emissions. The following formula shall apply for the purposes of determining the instantaneous PM number emissions:

$$PN_i = c_{PNi} . q_{mewi} / \rho_e$$

where:

PN_i is the instantaneous PM number emissions [#/s]

c_{PNi} is the measured PM number concentration [#/m³] normalised at 273 K (0 °C) including internal dilution and particle losses

q_{mewi} is the measured exhaust mass flow rate [kg/s]

ρ_e is the density of the exhaust gas [kg/m³] at 273 K (0 °C).';

(m) points 4.2.1 and 4.2.1.1. are replaced by the following:

'4.2.1. *Calculation of the specific emissions*

The specific emissions *e* ([mg/kWh] or [#/kWh]) shall be calculated for each window and each pollutant in the following way:

$$e = \frac{m}{W(t_{2,i}) - W(t_{1,i})}$$

where:

m	is the mass emission of the pollutant [mg/window] or the PM number [#/window]
$W(t_{2,i}) - W(t_{1,i})$	is the engine work during the i^{th} averaging window [kWh].

4.2.1.1. Calculation of the specific emissions for a declared market fuel

If a test pursuant to this Annex was performed with a market fuel declared in point 3.2.2.2.1 of Part 1 in Appendix 4 to Annex I, the specific emissions *e* ([mg/kWh] or [#/kWh]) shall be calculated for each window and each pollutant by multiplying the specific emissions determined in accordance with point 4.2.1. with the power correction factor determined pursuant to point 1.1.2 (a1) of Annex I.';

(n) point 4.2.3. is replaced by the following:

'4.2.3. *Calculation of the conformity factors*

The conformity factors shall be calculated for each individual valid window and each individual pollutant in the following way:

$$CF = \frac{e}{L}$$

where:

e	is the brake-specific emission of the gaseous pollutant [mg/kWh] or [#/kWh];
L	is the applicable limit [mg/kWh] or [#/kWh].';

(o) point 4.3.2. is replaced by the following:

'4.3.2. *Calculation of the conformity factors*

The conformity factors shall be calculated for each individual valid window and each individual pollutant in the following way:

$$CF = \frac{CF_I}{CF_C}$$

Where:

$CF_I = \frac{m}{m_{CO2}(t_{2,i}) - m_{CO2}(t_{1,i})}$ (in service ratio) and

$CF_C = \frac{m_L}{m_{CO2,ref}}$ (certification ratio)

where:

m	is the mass emission of the gaseous pollutant [mg/window], or the PM number [#/window];
$m_{CO2}(t_{2,i}) - m_{CO2}(t_{1,i})$	is the CO_2 mass during the i^{th} averaging window [kg];
$m_{CO2,ref}$	is the engine CO_2 mass determined for the WHTC [kg];
m_L	is the mass emission of the gaseous pollutant or the PM number corresponding to the applicable limit on the WHTC [mg] or [#] respectively].';

(p) in Section 4, the following points are added:

'4.4. **Calculation of the final conformity factor for the test**

4.4.1. The final conformity factor for the test (CF_{final}) for each pollutant shall be calculated as follows:

$$CF_{final} = 0{,}14 \times CF_{cold} + 0{,}86 \times CF_{warm}$$

where:

CF_{cold}	is the conformity factor of the period of cold operation of the test, which shall be equal to the highest conformity factor of the moving averaging windows starting below 343 K (70 °C) coolant temperature, determined for that pollutant in accordance with the calculation procedures specified in points 4.1. and either 4.2. or, as applicable, 4.3.;
CF_{warm}	is the conformity factor of the period of warm operation of the test, which shall be equal to the 90^{th} cumulative percentile of the conformity factors determined for that pollutant in accordance with the calculation procedures specified in points 4.1 and either 4.2. or, as applicable, 4.3., when the data evaluation is started after the coolant temperature has reached 343 K (70 °C) for the first time.';

(14) Appendix 2 is amended as follows:

(a) point 1 is replaced by the following:

'1. GENERAL

The gaseous emissions and the PM number shall be measured according to the procedure set out in Appendix 1. This Appendix describes the characteristics of the portable measurement equipment that shall be used to perform such measurement tests.';

(b) in Section 2, the following points are added:

'2.5 **PM number analysers**

2.5.1 *General*

2.5.1.1. The PM number analyser shall consist of a pre-conditioning unit and a particle detector (see Figure 1). The particle detector may also pre-condition the aerosol. The analyser's sensitivity to shocks, vibrations, aging, variations in temperature and air pressure, electromagnetic interferences and other things that could affect the operation of the vehicle or the analyser shall be kept to a minimum as far as possible and shall be clearly stated in the supporting documentation produced by the instrument manufacturer. The PM number analyser shall fulfil the requirements of this Regulation and the specifications of the instrument manufacturer.

Figure 1

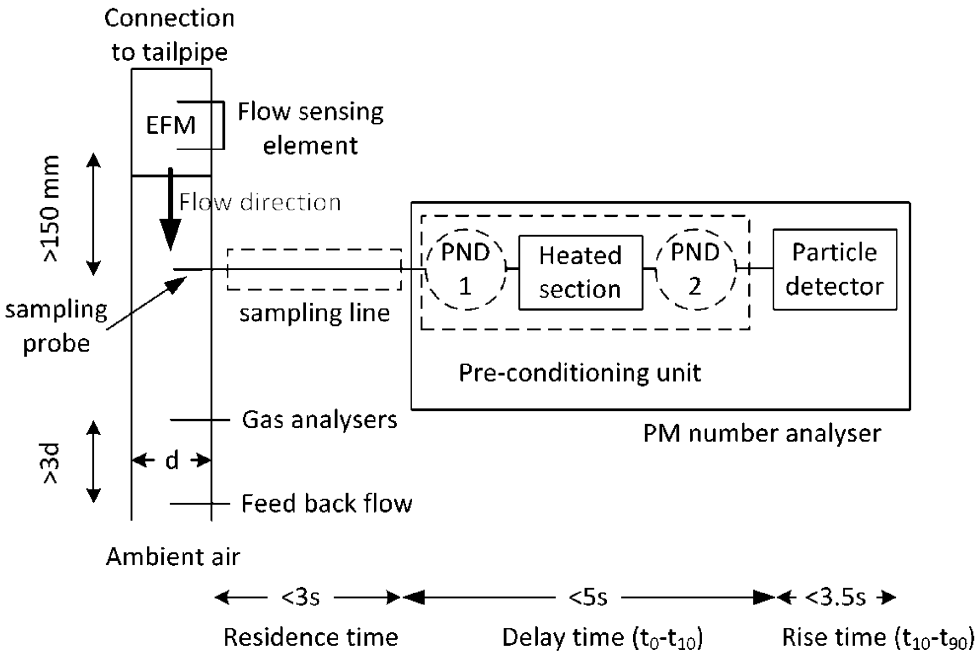
Example of a PM number analyser setup

(dotted lines depict optional parts)

EFM: Exhaust mass Flow Meter

d: inner diameter

PND: PM Number Diluter



2.5.1.2. The PM number analyser shall be connected to the sampling point via a sampling probe which extracts a sample from the centreline of the tailpipe tube. If particles are not diluted at the tailpipe, the sampling line shall be heated to a minimum temperature of 373 K (100 °C) until the point of first dilution of the PM number analyser or the particle detector of the analyser. The residence time of the sample in the particle sampling line shall be less than 3 seconds to the point of first dilution or to the particle detector.

2.5.1.3. All parts in contact with the sampled exhaust gas shall be always kept at a temperature that avoids condensation of any compound in the device. That may be achieved e.g. by heating to a higher temperature and diluting the sample or oxidising the (semi)volatile species.

2.5.1.4. The PM number analyser shall include a heated section at wall temperature ≥ 573K (300 °C). The pre-conditioning unit shall control the heated stages to constant nominal operating temperatures, within a tolerance of ± 10 K and provide an indication of whether or not heated parts are at their correct operating temperatures. Lower temperatures are acceptable as long as the volatile particle removal efficiency meets the specifications set out in point 2.5.4.

2.5.1.5. Pressure, temperature and other sensors shall monitor the operation of the instrument during its operation and shall trigger a warning or message in case of malfunction.

2.5.1.6. The delay time inside the PM number analyser shall be < 5 s. Delay time means the time difference between a change of concentration at the reference point and a system response of 10 % of the final reading.

2.5.1.7. The PM number analyser (and/or particle detector) shall have a rise time of < 3,5 s.

2.5.1.8. Particle concentration measurements shall be reported normalised to 273 K (0 °C) and 101,3 kPa. If considered necessary using best engineering judgement, the pressure and/or temperature at the inlet of the detector shall be measured and reported for the purposes of normalising the particle concentration.

2.5.1.9. PM number analysers that comply with the calibration requirements of UNECE Regulation No 83 or 49 or GTR 15 shall be deemed to comply with the calibration requirements of this Annex.

2.5.2. *Efficiency requirements*

2.5.2.1. The complete PM number analyser system and the sampling line, shall meet the efficiency requirements of Table 1:

Table 1

PM number analyser system (and sampling line) efficiency requirements

dp [nm]	sub-23	23	30	50	70	100	200
E(dp)	– (*)	0,2-0,6	0,3-1,2	0,6-1,3	0,7-1,3	0,7-1,3	0,5-2,0

(*) Will be defined at a later stage.

2.5.2.2. Efficiency E(dp) is the ratio in the readings of the PM number analyser system to a reference Condensation Particle Counter (CPC)'s (d50 = 10 nm or lower, checked for linearity and calibrated with an electrometer) or an Electrometer's number concentration measuring in parallel monodisperse aerosol of mobility diameter dp and normalised at the same temperature and pressure conditions. The material shall be thermally stable and soot-like (e.g. spark discharged graphite or diffusion flame soot with thermal pre-treatment). If the efficiency curve is measured with a different aerosol (e.g. NaCl), the correlation to the soot-like curve shall be provided in the form of a chart which compares the efficiencies obtained using both test aerosols. The differences in the counting efficiencies shall be taken into account by adjusting the measured efficiencies based on that comparison chart to give soot-like aerosol efficiencies. Any correction for multiple charged particles shall be applied and documented, but it shall not exceed 10 %. The final efficiencies (e.g. adjusted for the different material and multiple charged particles) shall cover the PM number analyser and sampling line. The PM number analyser may alternatively be calibrated in parts (i.e. the pre-conditioning unit separately from the particle detector) provided that the PM number analyser and the sampling line together meet the requirements of Table 1. The signal measured from the detector shall be > 2 times the limit of detection (here defined as the zero level plus 3 standard deviations).

2.5.3. *Linearity requirements*

2.5.3.1. The linearity requirements shall be verified whenever damage is observed, as required by internal audit procedures or by the instrument manufacturer, at least once within the 12-month period leading up to a test.

2.5.3.2. The PM number analyser, and the sampling line, shall meet the linearity requirements set out in Table 2.

Table 2

Linearity requirements of PM number analyser (and the sampling line)

Measurement parameter/instrument	$\lvert\chi_{min} \times (a_1 - 1) + a_0\rvert$	Slope a_1	Standard error SEE	Coefficient of determination r^2
PM number analyser	≤ 5 % max	0,85-1,15	≤ 10 % max	≥ 0,950

2.5.3.3. The PM number analyser system and the sampling line, shall meet the linearity requirements of Table 2 using monodisperse or polydisperse soot-like particles. The particle size (mobility diameter or count median diameter) shall be larger than 45 nm. The reference instrument shall be an Electrometer or a Condensation Particle Counter (CPC) with d50 = 10 nm or lower, verified for linearity. Alternatively, the reference instrument may be a particle number system that complies with the requirements of UNECE Regulation No 49.

2.5.3.4. In addition, the differences between the PM number analyser and the reference instrument at each of the points that are checked (except the zero point) shall be within 15 % of their mean value. At least 5 points equally distributed (plus the zero point) shall be checked. The maximum checked concentration shall be the maximum allowed concentration of the PM number analyser.

If the PM number analyser is calibrated in parts, the linearity may be checked only for the detector, but the efficiencies of the other parts and the sampling line shall be taken into account in the slope calculation.

2.5.4. *Volatile removal efficiency*

2.5.4.1. The PM number analyser system shall achieve > 99 % removal of ≥ 30 nm tetracontane ($CH_3(CH_2)_{38}CH_3$) particles with an inlet concentration of ≥ 10 000 particles per cubic centimetre at the minimum dilution.

2.5.4.2. Additionally, the PM number analyser system shall also achieve a > 99 % removal efficiency of polydisperse alcane (decane or higher) or emery oil with count median diameter > 50 nm and an inlet concentration of ≥ 5×10^6 particles per cubic centimetre at the minimum dilution (equivalent mass > 1 mg/m^3).

2.5.4.3. The volatile removal efficiency with tetracontane and/or polydisperse alcane or oil need to be proven only once for the PEMS family. A PEMS family is considered to be a group of instruments with the same analysers, sample and thermal conditioning and software compensation algorithms. The instrument manufacturer shall provide the maintenance or replacement interval that ensures that the removal efficiency does not drop below the technical requirements. If such information is not provided by the instrument manufacturer, the volatile removal efficiency shall be checked yearly for each instrument.';

(15) in Appendix 3, the following points are added:

'1.4. PM number analyser calibration and verification

1.4.1. The PEMS leakage test shall be conducted either in accordance with the requirements set out in paragraph 9.3.4 of Annex 4 to UNECE Regulation No 49 or in accordance with the instrument manufacturer's instructions.

1.4.2. The response time check of the PM number analyser shall be conducted in accordance with the requirements set out in paragraph 9.3.5 of Annex 4 to UNECE Regulation No 49 using particles if gases cannot be used.

1.4.3. The transformation time of the PM number analyser system and its sampling line, shall be determined in accordance with paragraph A.8.1.3.7. of Appendix 8 to Annex 4 to UNECE Regulation No 49. "Transformation time" means the time difference between a change of concentration at the reference point and a system response of 50 % of the final reading.'

ANNEX III

Annex VI to Regulation (EU) No 582/2011 is amended as follows:

(1) in Section 8, the following paragraph is added:

'The methodology for the assessment of AES is described in Appendix 2 to this Annex.';

(2) in Appendix 1, the second paragraph of point 3.1. is replaced by the following:

'The vehicle payload shall be 50-60 % of the maximum vehicle payload. A deviation from that range may be agreed with the approval authority. The reason for such a deviation shall be indicated in the test report. The additional requirements set out in Annex II shall apply.';

(3) the following Appendix is added:

'Appendix 2

Methodology for the assessment of AES

For the purposes of assessing the AES, the approval authority shall verify at least whether the requirement laid down in this Appendix are fulfilled.

(1) The increase of emissions induced by the AES shall be kept at the lowest possible level:

(a) The increase of total emissions when using an AES shall be kept at the lowest possible level throughout the normal use and life of the vehicles;

(b) Whenever a technology or design that would allow for improved emission control is available on the market at the time of the AES preliminary assessment it shall be used with no unjustified modulation.

(2) When used to justify an AES, the risk of sudden and irreparable damage to the engine, shall be appropriately demonstrated and documented, including the following information:

(a) Proof of catastrophic (i.e. sudden and irreparable) engine damage shall be provided by the manufacturer, along with a risk assessment which includes an evaluation of the likelihood of the risk occurring and severity of the possible consequences, including results of tests carried out to this effect;

(b) When a technology or design is available on the market at the time of the AES application that eliminates or reduces that risk, it shall be used to the largest extent technically possible (i.e. with no unjustified modulation);

(c) Durability and the long-term protection of the engine or components of the emission control system from wear and malfunctioning shall not be considered an acceptable reason to accept an AES.

(3) An adequate technical description shall document why it is necessary to use an AES for the safe operation of the vehicle:

(a) Proof of an increased risk to the safe operation of the vehicle should be provided by the manufacturer along with a risk assessment which includes an evaluation of the likelihood of the risk occurring and severity of the possible consequences, including results of tests carried out to this effect;

(b) When a different technology or design is available on the market at the time of the AES application that would allow for lowering the safety risk, it shall be used to the largest extent technically possible (i.e. with no unjustified modulation).

(4) An adequate technical description shall document why it is necessary to use an AES during engine start or warm up:

(a) Proof of the need to use an AES during engine start shall be provided by the manufacturer along with a risk assessment which includes an evaluation of the likelihood of the risk occurring and severity of the possible consequences, including results of tests carried out to this effect;

(b) Where a different technology or design is available on the market at the time of the AES application that would allow for improved emission control upon engine start, it shall be used to the largest extent technically possible.'

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1940

of 15 November 2019

entering a name in the register of protected designations of origin and protected geographical indications 'Paški sir' (PDO)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ([1]), and in particular Article 52(2) thereof,

Whereas:

(1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Croatia's application to register the name 'Paški sir' was published in the *Official Journal of the European Union* ([2]).

(2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Paški sir' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Paški sir' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.3. – Cheeses, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ([3]).

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*.

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

Done at Brussels, 15 November 2019.

For the Commission
On behalf of the President
Phil HOGAN
Member of the Commission

([1]) OJ L 343, 14.12.2012, p. 1.
([2]) OJ C 225, 5.7.2019, p. 33.
([3]) Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

DECISIONS

COUNCIL DECISION (EU) 2019/1941

of 18 November 2019

establishing the position to be taken, on behalf of the European Union, in the EPA Committee set up by the Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part, in connection with the adoption of the list of arbitrators

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part ('the Agreement') ([1]), was initialled on behalf of the Union by Council Decision 2009/152/EC ([2]). It has been applied on a provisional basis since 4 August 2014.

(2) In accordance with Article 85(1) of the Agreement, the EPA Committee is required to establish a list of individuals who are willing and able to serve as arbitrators.

(3) The EPA Committee, at its next annual meeting is to adopt a decision establishing the list of individuals who are willing and able to serve as arbitrators.

(4) It is appropriate to establish the position to be taken, on behalf of the Union, in the EPA Committee as regards the adoption of the envisaged decision to the extent that that decision will be binding on the Union.

(5) It is therefore appropriate that the position of the Union in the EPA Committee be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken, on behalf of the Union, in the EPA Committee set up by the Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part, shall be based on the EPA Committee's draft Decision concerning the adoption of the list of arbitrators, annexed to this Decision.

Article 2

This Decision will enter into force on the date of its adoption.

Done at Brussels, 18 November 2019.

For the Council
The President
J. LEPPÄ

([1]) OJ L 57, 28.2.2009, p. 2.
([2]) Council Decision 2009/152/EC of 20 November 2008 on the signature and provisional application of the interim agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part (OJ L 57, 28.2.2009, p. 1).

DRAFT

DECISION No …/2019 OF THE EPA COMMITTEE

set up by the Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part,

of …

concerning the adoption of the list of arbitrators

THE EPA COMMITTEE,

Having regard to the Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part, (the 'Agreement'), signed in Brussels on 22 January 2009, and applied on a provisional basis since 4 August 2014, and in particular Article 85(1) thereof,

Whereas:

(1) Under the terms of the Agreement and this Decision, the Central Africa Party is composed of the Republic of Cameroon.

(2) The Agreement provides that the EPA Committee is to establish a list of 15 individuals who are willing and able to serve as arbitrators in the settlement of disputes that may arise between the Parties,

HAS ADOPTED THIS DECISION:

Article 1

1. The list of 15 individuals who are willing and able to serve as arbitrators is hereby established in accordance with Article 85(1) of the Agreement and is set out in the Annex to this Decision.

2. The list of arbitrators referred to in paragraph 1 is established without prejudice to any special rules provided for in the Agreement or which may be decided by the EPA Committee.

Article 2

The list of arbitrators referred to in Article 1 may be amended by a decision of the EPA Committee in accordance with Article 92(4) of the Agreement.

Article 3

This Decision shall enter into force on the date of its signature.

Done at …,

For the Republic of Cameroon	*For the European Union*
…	…

ANNEX

LIST OF ARBITRATORS (ARTICLE 85(1) OF THE AGREEMENT)

Arbitrators selected by the Central Africa Party (Cameroon):

Ms Mildred Alugu BEJUKA – Cameroon

Mr Jean Michel MBOCK BIUMLA – Cameroon

Mr Henri-Désiré MODI KOKO BEBEY – Cameroon

Mr David NYAMSI – Cameroon

Mr Sadjo OUSMANOU – Cameroon

Arbitrators selected by the European Union:

Mr Jacques BOURGEOIS – Belgium

Mr Claus-Dieter EHLERMANN – Germany

Mr Pieter Jan KUIJPER – Netherlands

Mr Giorgio SACERDOTI – Italy

Mr Ramon TORRENT – Spain

Arbitrators jointly selected by the two Parties:

Mr Thomas COTTIER – Switzerland

Mr Fabien GÉLINAS – Canada

Ms Merit E. JANOW – United States

Ms Anna KOUYATE – Mali

Mr Helge SELAND – Norway

COMMISSION IMPLEMENTING DECISION (EU) 2019/1942

of 22 November 2019

not approving carbendazim as an existing active substance for use in biocidal products of product-type 9

(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 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ([1]), and in particular the third subparagraph of Article 89(1) thereof,

Whereas:

(1) Commission Delegated Regulation (EU) No 1062/2014 ([2]) establishes a list of existing active substances to be evaluated for their possible approval for use in biocidal products. That lists includes carbendazim (EC No: 234-232-0; CAS No 10605-21-7).

(2) Carbendazim has been evaluated for use in biocidal products of product-type 9, fibre, leather, rubber and polymerised materials preservatives, as described in Annex V to Directive 98/8/EC of the European Parliament and of the Council ([3]), which corresponds to product-type 9 as described in Annex V to Regulation (EU) No 528/2012.

(3) The evaluating competent authority of Germany submitted the assessment report together with its conclusions to the Commission on 2 August 2013.

(4) In accordance with Article 7(2) of Delegated Regulation (EU) No 1062/2014, the opinion of the European Chemicals Agency ([4]) was adopted on 27 February 2019 by the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority.

(5) According to that opinion, biocidal products of product-type 9 containing carbendazim may not be expected to meet the criteria laid down in Article 19(1)(b) of Regulation (EU) No 528/2012 as the environmental scenarios evaluated identified unacceptable risks to the environment and no safe use could be identified.

(6) Taking into account the opinion of the European Chemicals Agency, it is not appropriate to approve carbendazim for use in biocidal products of product-type 9, as the conditions laid down in Article 4(1) of Regulation (EU) No 528/2012 are not satisfied.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal products,

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([1]) OJ L 167, 27.6.2012, p. 1.

([2]) Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

([3]) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

([4]) Biocidal Products Committee (BPC) opinion on the application for approval of the active substance Carbendazim, Product type: 9, ECHA/BPC/218/2019, adopted on 27 February 2019.

HAS ADOPTED THIS DECISION:

Article 1

Carbendazim (EC No: 234-232-0; CAS No: 10605-21-7) is not approved as an active substance for use in biocidal products of product-type 9.

Article 2

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

Done at Brussels, 22 November 2019.

For the Commission
The President
Jean-Claude JUNCKER

RULES OF PROCEDURE

DECISION OF THE MANAGEMENT BOARD OF THE EUROPEAN SECURITIES AND MARKETS AUTHORITY

of 1 October 2019

adopting internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of ESMA

The Management Board

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

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ([1]), and in particular Article 25 thereof,

Having regard to Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC ([2]) as may be further amended, repealed or replaced, and in particular Article 71 thereof,

Having regard to the opinion of the EDPS of 20 June 2019 and to the EDPS Guidance on Article 25 of the new Regulation and internal rules,

After consulting the Staff Committee,

Whereas:

(1) ESMA carries out its activities in accordance with Regulation (EU) No 1095/2010 (the 'ESMA Regulation' and 'ESMA') as may be further amended, repealed or replaced.

(2) ESMA processes several categories of personal data, including 'objective' data (such as identification data, contact data, professional data, administrative details, data received from specific sources, electronic communications and traffic data) and/or 'subjective' data (related to the case such as reasoning, behavioural and conduct data and data related to or brought forward in connection with the subject matter of the procedure or activity.

(3) ESMA, represented by its Executive Director, acts as the data controller irrespective of further delegations of the controller role within ESMA to reflect operational responsibilities for specific personal data processing operations.

(4) The personal data are stored securely in an electronic environment or on paper preventing unlawful access or transfer of data to persons who do not have a need to know. The personal data processed are retained for no longer than necessary and appropriate for the purposes for which the data are processed for the period specified in the data protection records and privacy statements of ESMA.

(5) For the exercise of its missions, ESMA is bound to respect to the maximum extent possible, the fundamental rights of the data subjects, in particular those relating to the right of provision of information, access and rectification, right to erasure, restriction of processing, right of communication of a personal data breach to the data subject or confidentiality of communication as enshrined in Regulation (EU) 2018/1725.

(6) However, ESMA may be obliged to restrict the information to data subjects or other data subject rights to protect, in particular, the confidentiality and effectiveness of its own investigations, the investigations and proceedings of other public authorities, as well as the rights of other persons related to its investigations or other procedures.

([1]) OJ L 295, 21.11.2018, p. 39.
([2]) OJ L 331, 15.12.2010, p. 84.

(7) Within the framework of its administrative functioning, ESMA may conduct a number of investigations, such as administrative inquiries, disciplinary proceedings, preliminary activities related to financial fraud, investigations relating to whistleblowing or harassment cases, internal audits, data protection or ethics investigations, ICT investigations, information security investigations and activities performed in the context of security risks and incidents management. In addition, for the exercise of its missions, ESMA conducts investigations relating to its direct supervisory or enforcement functions and may conduct investigations of potential breaches of Union law as well as inquiries into a particular type of financial activity or type of product or conduct in order to assess potential threats to the integrity of financial markets or the stability of the financial system.

(8) The internal rules should apply to all processing operations carried out by ESMA in the performance of the above investigations. They should also apply to processing operations carried out prior to the opening of the investigations referred to above, during these investigations and during the monitoring of the follow-up to the outcome of these investigations. It should also include assistance, coordination and/or cooperation requested from ESMA by national authorities and international organisations in the context of their own administrative investigations.

(9) Before making use of the restrictions foreseen in these internal rules, ESMA should consider whether any of the exemptions laid down in Regulation (EU) 2018/1725 applies. In the cases where restrictions under these internal rules apply, ESMA has to explain why these restrictions are strictly necessary and proportionate in a democratic society and respect the essence of the fundamental rights and freedoms.

(10) ESMA should monitor if the conditions that justify the restriction continue to apply and lift the restriction when they no longer apply.

(11) The Controller should inform the Data Protection Officer when restricting the application of certain data subjects' rights under this Decision, when extending such restriction and when the restriction is lifted,

HAS ADOPTED THIS DECISION:

Article 1

Subject-matter and scope

1. This Decision lays down internal rules relating to the conditions under which ESMA in the framework of the activities set out in paragraphs 2 to 5 may restrict the application of the rights enshrined in Articles 14 to 21, and 35, as well as Article 4 thereof, following Article 25 of the Regulation (EU) 2018/1725. These restrictions are without prejudice to the exemptions to data subject rights provided in Regulation (EU) 2018/1725.

2. Within the framework of the administrative functioning of ESMA, the restrictions foreseen in point 1 of this Article apply to the processing of personal data by ESMA for the purpose of:

(a) administrative inquiries and disciplinary proceedings;

(b) processing irregularities in liaison with the European Anti-Fraud Office (OLAF);

(c) processing whistleblowing cases, (formal and informal) harassment cases as well as internal and external complaints;

(d) internal audits, data protection or ethics investigations;

(e) ICT investigations, information security investigations and activities performed in the context of security risks and incidents management, handled internally or with external involvement.

3. Within the exercise of ESMA's missions, the restrictions foreseen in point 1 of this Article apply to the processing of personal data by ESMA for the purpose of:

(a) investigations relating to ESMA's direct supervisory and enforcement functions;

(b) investigations of potential breaches of Union law under Article 17 of ESMA Regulation; and

(c) inquiries into a particular type of financial activity or type of product or type of conduct in order to assess potential threats to the integrity of financial markets or the stability of the financial system under Article 22 of the ESMA Regulation.

4. In addition, these restrictions apply to assistance, coordination and/or cooperation provided by ESMA to national securities and markets authorities, including third country authorities, and international organisations in the context of the investigations conducted for the exercise of their statutory missions.

5. The restrictions referred to in paragraph 1 of this Article also apply to processing operations carried out prior to the opening of the investigations or other administrative enquiries referred to in paragraphs 2 to 4 above, during these investigations and during the monitoring of the follow-up to the outcome of these investigations.

6. This Decision applies to any category of personal data processed in the context of the activities set out in paragraphs 2 to 5 above.

7. Subject to the conditions set out in this Decision the restrictions may apply to the following rights: provision of information to data subjects, right of access, rectification, erasure, restriction of processing and communication of a personal data breach to the data subject.

Article 2

Controller in charge of investigations and applicable safeguards

1. The safeguards in place to avoid personal data breaches, leakages or unauthorised disclosure in the context of the investigations referred to in Article 1 are the following:

(a) Paper documents shall be kept in secured cupboards and only accessible to authorized staff;

(b) All electronic data shall be managed with ESMA's approved devices, information systems, applications and storage media resources. ESMA's document management system applications shall be used to organise, find, share, maintain and protect ESMA's electronic data. Authorised ESMA's staff shall only be granted access to electronic data based on a need to know basis;

(c) All persons having access to the data are bound by the obligation of confidentiality.

2. The Controller of the processing operations is ESMA, represented by its Executive Director, who may delegate the function of the controller. Data subjects shall be informed of the delegated controller by way of the data protection records published on the website of ESMA.

3. The retention period of the personal data processed shall be no longer than necessary and appropriate for the purposes for which the data are processed. The retention period shall be specified in the data protection records and privacy statements referred to in Article 5(1).

4. Where ESMA considers to apply a restriction, the risk to the rights and freedoms of the data subject shall be weighed, in particular, against the risk to the rights and freedoms of other data subjects and the risk of cancelling the effect of ESMA's investigations or procedures for example by destroying evidence. The risks to the rights and freedoms of the data subject concern primarily, but are not limited to, reputational risks and risks to the right of defence and the right to be heard.

Article 3

Restrictions

1. Any restriction shall only be applied by ESMA to safeguard:

(a) the prevention, investigation, detection and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;

(b) other important objectives of general public interest of the Union or of a Member State, in particular the objectives of the common foreign and security policy of the Union or an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security;

(c) the internal security of Union institutions and bodies, including of their electronic communications networks;

(d) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;

(e) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) and (b);

(f) the protection of the data subject or the rights and freedoms of others.

2. As a specific application of the purposes described in paragraph 1 above, ESMA may apply restrictions in relation to personal data exchanged with Commission services or other Union institutions, bodies, agencies and offices, competent authorities of Member States or third countries or international organisations, in the following circumstances:

(a) where the exercise of those rights and obligations could be restricted by Commission services or other Union institutions, bodies, agencies and offices on the basis of other acts provided for in Article 25 of Regulation (EU) 2018/1725 or in accordance with Chapter IX of that Regulation or with the founding acts of other Union institutions, bodies, agencies and offices;

(b) where the exercise of those rights and obligations could be restricted by competent authorities of Member States on the basis of acts referred to in Article 23 of Regulation (EU) 2016/679 of the European Parliament and of the Council, or under national measures transposing Articles 13(3), 15(3) or 16(3) of Directive (EU) 2016/680 of the European Parliament and of the Council;

(c) where the exercise of those rights and obligations could jeopardise ESMA's cooperation with third country or international organisations in the conduct of its tasks or of the tasks of the third country or international organisations.

Before applying restrictions in the circumstances referred to in points (a) and (b) of the first subparagraph, ESMA shall consult the relevant Commission services, Union institutions, bodies, agencies, offices or the competent authorities of Member States unless it is clear to ESMA that the application of a restriction is provided for by one of the acts referred to in those points.

3. Any restriction shall be necessary and proportionate taking into account the risks to the rights and freedoms of data subjects and respect the essence of the fundamental rights and freedoms in a democratic society.

4. If the application of restriction is considered, a necessity and proportionality test shall be carried out based on the present rules. It shall be documented through an internal assessment note for accountability purposes on a case by case basis.

5. Restrictions shall be lifted as soon as the circumstances that justify them no longer apply. In particular, where it is considered that the exercise of the restricted right would no longer cancel the effect of the restriction imposed or adversely affect the rights or freedoms of other data subjects.

Article 4

Review by the Data Protection Officer

1. The Controller shall, without undue delay, inform the Data Protection Officer ('the DPO') whenever the Controller restricts the application of data subjects' rights, or extends the restriction, in accordance with this Decision. The Controller shall provide the DPO access to the internal note containing the assessment of the necessity and proportionality of the restriction as well as, where applicable, underlying factual and legal elements and document the date of informing the DPO.

2. The DPO may request the Controller in writing to review the application of the restrictions. The Controller shall inform the DPO in writing about the outcome of the requested review.

3. The Controller shall inform the DPO when the restriction has been lifted.

4. The Controller shall document the involvement of the DPO along the different steps of the process, starting with the date of informing the DPO.

5. The internal note, and, where applicable, underlying factual and legal elements shall be made available to the European Data Protection Supervisor on request.

Article 5

Provision of information to data subject

1. ESMA shall publish on its website data protection records that inform all data subjects of its activities involving processing of personal data, including information relating to the potential restriction of data subject rights.

2. ESMA shall individually notify all data subjects, whom it considers persons concerned by the investigation or inquiry, of the data protection record of the specific processing operations concerned, without undue delay and in a written form.

3. In duly justified cases and under the conditions stipulated in this decision, ESMA may restrict, wholly or partly, the provision of information to the data subjects referred to in paragraph 2. In this case, it shall document in an internal note the reasons for the restriction, the legal ground in accordance with Article 3 of this Decision, including an assessment of the necessity and proportionality of the restriction.

4. The restriction referred to in paragraph 3 shall continue to apply as long as the reasons justifying it remain applicable.

Where the reasons for the restriction no longer apply, ESMA shall notify the data subject concerned of the relevant data protection record and the principal reasons for the restriction. This notification can be combined with an invitation to make submission on the findings of the investigation or inquiry underway, as part of the exercise of the rights of defence of the data subject concerned. At the same time, ESMA shall inform the data subject concerned of the right of lodging a complaint with the European Data Protection Supervisor at any time or of seeking a judicial remedy in the Court of Justice of the European Union.

ESMA shall review the application of the restriction every six months from its adoption and at the closure of the relevant inquiry or investigation.

Article 6

Right of access by data subject

1. Further to a data subject request, ESMA may restricts, wholly or partly, the right of this data subject to obtain confirmation as to whether or not personal data concerning him or her are being processed by ESMA in the context of an investigation or inquiry referred to in Article 1 of this Decision, and where that is the case, the right of access to this data and other information referred to in Article 17 of Regulation (EU) 2018/1725.

2. Where ESMA restricts the right of access, it shall inform the data subject concerned, in its reply to the request, of the restriction applied and of the principal reasons thereof, and of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy in the Court of Justice of the European Union.

3. The provision of information referred to in paragraph 2 may be deferred, omitted or denied if it would cancel the effect of the restriction in accordance with Article 25(8) of Regulation (EU) 2018/1725. Where this is the case, ESMA shall document in an internal assessment note the reasons for the restriction, including an assessment of the necessity, proportionality of the restriction and its duration.

4. ESMA shall review the application of the restriction every six months from its adoption and at the closure of the relevant inquiry or investigation.

Article 7

Right of rectification, erasure and restriction of processing

1. Further to a data subject request, ESMA may, in the context of an investigation or inquiry referred to in Article 1 of this Decision, restricts, wholly or partly, the right of this data subject to obtain rectification of personal data related to him or her, to erase or to restrict processing of his or her personal data as provided for in Articles 18, 19 and 20 of Regulation (EU) 2018/1725.

2. Where ESMA's restricts the application of the right to rectification, erasure or restriction of processing referred to above, it shall take the steps set out in Articles 6(2) and 6(3) of this Decision.

3. ESMA shall review the application of the restriction every six months from its adoption and at the closure of the relevant inquiry or investigation.

Article 8

Communication of a personal data breach to the data subject

1. ESMA shall communicate a personal data breach to the data subject concerned without undue delay when the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons as provided for in Article 35 of Regulation (EU) 2018/1725.

2. In duly justified cases and under the conditions stipulated in this decision, ESMA may restrict, wholly or partly, the provision of information to the data subjects referred to in paragraph 1 of this Article. In this case, it shall document in an internal note the reasons for the restriction, the legal ground in accordance with Article 3 of this Decision, including an assessment of the necessity and proportionality of the restriction.

3. The restriction referred to in paragraph 2 shall continue to apply as long as the reasons justifying it remain applicable.

Where the reasons for the restriction no longer apply, ESMA shall communicate the personal data breach to the data subject concerned and inform the data subject of the principal reasons for the restriction. At the same time, ESMA shall inform the data subject concerned of the right of lodging a complaint with the European Data Protection Supervisor at any time or of seeking a judicial remedy in the Court of Justice of the European Union.

ESMA shall review the application of the restriction every six months from its adoption and at the closure of the relevant inquiry or investigation.

Article 9

Entry into force

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

Done at Helsinki, 1 October 2019.

For the Management Board
Steven MAIJOOR
The Chair

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation)

(Official Journal of the European Union L 261 of 14 October 2019)

Pages 87-93 are replaced with the following:

Section C

CHED-PP

(for plants, plant products and other objects referred to point (c) of Article 47(1) of Regulation (EU) 2017/625)

EUROPEAN UNION

Common Health Entry Document for Plants and Plant Products

PART I – DESCRIPTION OF CONSIGNMENT

QR CODE	**I.2 CHED reference**	**I.1 Consignor/Exporter** Name, Address, Country, ISO country code
	I.3 Local reference	
	I.4 Border Control Post	
	I.5 Border Control Post code	

I.6 Consignee/Importer Name, Address, Country, ISO country code	**I.7 Place of destination** Name, Registration/Approval No, Address, Country, ISO country code
I.8 Operator responsible for the consignment Name, Address, Country, ISO country code	**I.9 Accompanying documents** Type, Code, Country, Commercial document references

I.10 Prior notification Date Time

I.13 Means of transport ☐Airplane ☐Vessel ☐Railway ☐Road vehicle Identification	**I.11 Country of origin** ISO country code
	I.12 Region of origin Code

I.14 Country of dispatch Country, ISO country code	**I.15 Establishment of origin** Name, Address, Registration/Approval No, Country, ISO country code

I.17 Container number/Seal Number

Container No	Seal No	Official Seal
		☐

I.20 ☐For transhipment/transfer to:	**Details of controlled destinations I.20-I.22**
I.21 ☐For onward transportation to:	
I.22 ☐For transit to:	
I.23 ☐For internal market	**I.25 ☐For re-entry**

I.27 Means of transport after BCP/storage

☐Airplane ☐Railway

☐Vessel ☐Road vehicle

Identification:

I.29 Date of departure Date Time

I.31 Description of consignment

CN code	Species	EPPO Code	Product type	Quantity	Number of packages	Net weight(kg)	IAS Permit

I.32 Total number of packages	**I.33 Total quantity**	**I.34 Total net weight/gross weight**

I.35 Declaration:

I, the undersigned operator responsible for the consignment detailed above, certify that to the best of my knowledge and belief the statements made in Part I of this document are true and complete, and I agree to comply with the requirements of Regulation (EU) 2017/625 on official controls, including payment for official controls, as well as for re-dispatching of consignments, for quarantine of plants or plant products, or costs of destruction and disposal where necessary.

Date of declaration Name of signatory Signature

In processing the personal data included in the CHEDs, Member States shall comply with Regulation (EU) 2016/679 and Directive (EU) 2016/680 and the Commission with Regulation (EU) 2018/1725.

EUROPEAN UNION

Common Health Entry Document for Plants and Plant Products

PART II – CONTROLS

II.1	**Previous CHED**		**II.2**	**CHED reference**	**II.24**	**Subsequent CHED**
II.3	**Documentary check**	☐Satisfactory ☐Not satisfactory	**II.4**	**Identity check**	☐Yes ☐No ☐Satisfactory ☐Not satisfactory	
II.5	**Physical check**	☐Yes ☐No ☐Reduced check ☐Satisfactory ☐Not satisfactory ☐ Others	**II.6**	**Laboratory test**	☐Yes ☐No Test: ☐Suspicion ☐Emergency measures ☐Random ☐Latent infection sampling Test result: ☐Pending ☐Satisfactory ☐Not satisfactory	

Acceptable for (II.9 to II.12)

II.9 **☐Transhipment/transfer to:**

II.10 **☐Onward transportation to:**

II.11 **☐Transit to:**

II.12 **☐Internal market**

II.16 **☐Not acceptable**

☐Appropriate treatment ☐ Re-dispatch

☐ Industrial processing ☐Entry refusal

☐Quarantine imposed ☐Other

☐Destruction

By (date)

II.18 **Details of controlled destinations for II.9 to II.11 and II.16**

II.17 **Reason for refusal**

☐Documentary ☐Identity ☐Physical

☐Origin ☐IAS ☐Other

II.19 **☐Consignment resealed** New seal number

II.20 **Identification of BCP**

BCP Stamp

Control Unit code

II.22 **Inspection fees**

II.21 **Certifying officer**

I, the undersigned official plant health officer, certify that the checks on the consignment have been carried out in accordance with the Union requirements and where applicable in accordance with the national requirements of the Member State of destination

Name (in capital letters)

Date Signature

II.23 **Customs document reference**

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Common Health Entry Document for Plants and Plant Products

PART III – FOLLOW-UP

III.1	**Previous CHED**	**III.2**	**CHED reference**	**III.3**	**Subsequent CHED**
III.4	**Details on re-dispatch**				
	Country of destination		ISO country Code		
	Exit BCP		Control Unit code		
	Means of transport				
	☐Airplane ☐Road ☐Vessel ☐Other ☐Railway	Vehicle	Identification		
	Date of re-dispatch				
III.5	**Follow up by**				
	☐Exit BCP ☐Final destination BCP ☐Local competent authority		Arrival of consignment:	☐Yes	☐No
			Compliance of consignment:	☐Yes	☐No
			Further destination:		Reasons
III.6	**Certifying officer**				
	Name (in capital letters)				Unit name
	Address				Control Unit code
	Date		Stamp		Signature

Section D

CHED-D

(for feed and food of non-animal origin referred to in point (d) of Article 47(1) of Regulation (EU) 2017/625)

EUROPEAN UNION

Common Health Entry Document for Feed and Food of Non-Animal Origin

PART I – DESCRIPTION OF CONSIGNMENT

QR CODE	**I.2 CHED reference**	**I.1 Consignor/Exporter** Name, Address, Country, ISO country code
	I.3 Local reference	
	I.4 Border Control Post	
	I.5 Border Control Post code	

I.6 Consignee/Importer Name, Address, Country, ISO country code	**I.7 Place of destination** Name, Registration/Approval No, Address, Country, ISO country code
I.8 Operator responsible for the consignment Name, Address, Country, ISO country code	**I.9 Accompanying documents** Type, Code, Country, Commercial document references

I.10 Prior notification Date Time

I.13 Means of transport ☐Airplane ☐Vessel ☐Railway ☐Road vehicle Identification	**I.11 Country of origin** ISO country code **I.12 Region of origin** Code

I.14 Country of dispatch Country, ISO country code	**I.15 Establishment of origin** Name, Registration/Approval No, Address, Country, ISO country code

I.16 Transport conditions ☐Ambient ☐Chilled ☐Frozen

I.17 Container number/Seal Number

Container No	Seal No	Official Seal
		☐

I.18 Certified as or for: ☐Human consumption ☐Human consumption after further treatment ☐Feedstuff ☐Sample ☐Display exhibition item ☐Other

I.20 ☐For transfer to:	**Details of controlled destinations for I.20 and I.21**
I.21 ☐For onward transportation to:	

I.23 ☐For internal market

I.27 Means of transport after BCP/storage

☐Airplane ☐Railway

☐Vessel ☐Road vehicle

Identification:

I.29 Date of departure Date Time

I.31 Description of consignment

CN code	TARIC code	Type of packages	Number of packages	Net weight(kg)

I.32 Total number of packages	**I.33 Total quantity**	**I.34 Total net weight/gross weight**

I.35	**Declaration:** I, the undersigned operator responsible for the consignment detailed above, certify that to the best of my knowledge and belief the statements made in Part I of this document are true and complete, and I agree to comply with the requirements of Regulation (EU) 2017/625 on official controls, including payment for official controls, as well as for re-dispatching of consignments, for quarantine or isolation of animals, or costs of euthanasia and disposal where necessary. Date of declaration Name of signatory Signature

In processing the personal data included in the CHEDs, Member States shall comply with Regulation (EU) 2016/679 and Directive (EU) 2016/680 and the Commission with Regulation (EU) 2018/1725.

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Common Health Entry Document for Feed and Food of Non-Animal Origin

PART II – CONTROLS

II.1	**Previous CHED**		**II.2**	**CHED reference**		**II.24**	**Subsequent CHED**
II.3	**Documentary check**	☐Satisfactory ☐Not satisfactory		**II.4**	**Identity check**	☐Yes ☐No ☐Satisfactory ☐Not satisfactory	
II.5	**Physical check**	☐Yes ☐No ☐Satisfactory ☐Not satisfactory		**II.6**	**Laboratory test**	☐Yes ☐No Test: ☐Suspicion ☐Emergency measures ☐Random ☐Temporary increase of controls Test result: ☐Pending ☐Satisfactory ☐Not satisfactory	
Acceptable for (II.9-II.12)			**II.18**	**Details of controlled destinations II.9, II.10 and II.16**			
II.9	**☐Transfer to:**						
II.10	**☐Onward transportation to:**						
II.12	**☐Internal market:**	☐Human consumption ☐Feedstuff ☐Other					
II.16	**☐Not acceptable** By (date)	☐Destruction ☐Re-dispatch ☐Special treatment ☐Use for other purposes	**II.17**	**Reason for refusal** ☐Documentary ☐Identity ☐Physical ☐Other ☐Laboratory			
II.19	**☐Consignment resealed**	New seal number					
II.20	**Identification of BCP** BCP Control Unit code	Stamp	**II.21**	**Certifying officer** I, the undersigned certifying officer, certify that the checks on the consignment have been carried out in accordance with the Union requirements and where applicable in accordance with the national requirements of the Member State of destination Name (in capital letters) Date Signature			
II.22	**Inspection fees**						
II.23	**Customs document reference**						

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PART III – FOLLOW-UP

III.1	Previous CHED	III.2	CHED reference	III.3	Subsequent CHED
III.4	**Details on re-dispatch**				
	Country of destination		ISO country Code		
	Exit BCP		Control Unit code		
	Means of transport				
	☐Airplane ☐Road ☐Vessel ☐Other ☐Railway	Vehicle	Identification		
	Date of re-dispatch				
III.5	**Follow up by**				
	☐Exit BCP ☐Final destination BCP ☐Local competent authority		Arrival of consignment: ☐Yes ☐No Compliance of consignment: ☐Yes ☐No Further destination:		Reasons
III.6	**Certifying officer**				
	Name (in capital letters)				Unit name
	Address				Control Unit code
	Date		Stamp		Signature

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