

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2020/1079

of 20 July 2020

on the verification and correction of data referred to in Regulation (EU) 2018/956 on the monitoring and reporting of CO₂ emissions from and fuel consumption of new 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 (EU) 2018/956 of the European Parliament and of the Council of 28 June 2018 on the monitoring and reporting of CO₂ emissions from and fuel consumption of new heavy-duty vehicles ⁽¹⁾, and in particular Article 8(4) thereof,

Whereas:

- (1) Article 8(2) of Regulation (EU) 2018/956 obliges the Commission to verify the quality of the data reported by Member States and by manufacturers of heavy-duty vehicles pursuant to Articles 4 and 5 of that Regulation. It also obliges the Commission to correct discrepancies found during such verification.
- (2) It is therefore appropriate to determine the verification and correction measures of the data reported by heavy-duty vehicle manufacturers. In particular, it is necessary to lay down a procedure for verifying that the data reported by manufacturers of heavy-duty vehicles in accordance with point 2 of Part B of Annex I to Regulation (EU) 2018/956 correspond to the relevant data source, that is the engine type-approval certificate issued in accordance with Regulation (EC) No 595/2009 of the European Parliament and of the Council ⁽²⁾ and the manufacturer's records file.
- (3) The number of heavy-duty vehicles of which the quality of the data is to be verified should be sufficiently high for the Commission to detect possible discrepancies in the reported data and to establish whether the nature of such discrepancies is systematic.
- (4) In order to ensure the integrity of the reporting process, the verification should consist of checks of the data reported by manufacturers against the engine type-approval certificate and the manufacturer's records file.
- (5) Manufacturers should be given the opportunity to correct the data in the case the Commission finds discrepancies. Where those discrepancies are of a systematic nature, manufacturers should provide corrected data for all the vehicles registered in the reporting period concerned.

⁽¹⁾ OJ L 173, 9.7.2018, p. 1.

⁽²⁾ Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1).

- (6) In order to ensure the correctness of the data, where the manufacturers have not provided the Commission with corrected data, the Commission should be able to correct those data itself. In order to ensure that the manufacturers provide the Commission with correct data, where the discrepancies found are of a systematic nature, the Commission should correct those data by applying a correction factor to CO₂ emissions of all heavy-duty vehicles registered in the reporting period concerned.
- (7) For transparency purposes, it should be clear from the data included in the Central Register for data on heavy-duty vehicles whether they have been corrected by the Commission.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Heavy-duty vehicles of which the quality of the data is to be verified

1. Following the reporting of the data by manufacturers in accordance with Article 5(1) of Regulation (EU) 2018/956, the Commission shall verify the quality of the data of a number of heavy-duty vehicles of each manufacturer registered in the reporting period concerned. For the reporting period of the year 2019, the Commission shall only verify the quality of the data of heavy-duty vehicles that have been registered as from 1 January 2020.
2. The Commission shall select the heavy-duty vehicles referred to in paragraph 1 randomly. The number of selected heavy-duty vehicles shall be between 2 % and 10 % of the number of heavy-duty vehicles of each manufacturer that have been registered in the reporting period concerned.

Article 2

Notification by the Commission and information provided by manufacturers and Member States

1. The Commission shall notify the manufacturers concerned of the vehicle identification numbers of the heavy-duty vehicles selected in accordance with Article 1(2).
2. Within one month from receipt of the notification referred to in paragraph 1, manufacturers shall provide to the Commission for each selected heavy-duty vehicle:
 - (a) the original of the manufacturer's records file, drawn up in accordance with Part I of Annex IV to Commission Regulation (EU) 2017/2400 ⁽³⁾;
 - (b) a copy of the engine type-approval certificate issued in accordance with Regulation (EC) No 595/2009.
3. Upon request by the Commission, manufacturers, and the Member States where the heavy-duty vehicles referred to in paragraph 1 were first registered, shall provide additional information for the purpose of solving potential setbacks.

⁽³⁾ 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 CO₂ 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).

*Article 3***Verification of the correctness of the cryptographic hash value and data reported by manufacturers**

1. The Commission shall, for the heavy-duty vehicles selected in accordance with Article 1(2), crosscheck the cryptographic hash values of the original of the manufacturer's records file provided in accordance with point (a) of Article 2(2) against the imprint of the corresponding cryptographic hash values provided by the Member State concerned in accordance with their obligation under point (k) of Part A of Annex I to Regulation (EU) 2018/956.

In case of any discrepancy in the cryptographic hash values, and where requested by the Commission, manufacturers shall verify the correctness of the data provided to the Commission and inform the Commission of the result of that verification within one month.

2. The Commission shall, for the heavy-duty vehicles selected in accordance with Article 1(2), crosscheck the data reported in accordance with Article 5 of Regulation (EU) 2018/956 against the corresponding data in the original of the manufacturer's records file drawn up in accordance with Part I of Annex IV to Regulation (EU) 2017/2400.

3. The Commission may, for the heavy-duty vehicles selected in accordance with Article 1(2), crosscheck the engine-related data reported in accordance with entries 75 to 78 of point 2 of Part B of Annex I to Regulation (EU) 2018/956 against the corresponding values in the engine type-approval certificate issued in accordance with Regulation (EC) No 595/2009.

*Article 4***Notification of findings**

1. The Commission shall either confirm the accuracy of the data verified pursuant to Article 3, or notify the manufacturers of any discrepancies found between the data reported pursuant to Article 5 of Regulation (EU) 2018/956 and the corresponding data in the manufacturer's records file and the engine type-approval certificate provided in accordance with Article 2(2).

2. Within one month of receipt of the notification referred to in paragraph 1, the manufacturers shall provide the Commission with the corrected data for the heavy-duty vehicles selected in accordance with Article 1(2) and an explanation for the discrepancies mentioned in that notification.

3. Where the Commission finds that the discrepancies are of a systematic nature, the manufacturers shall provide the Commission, within one month of receipt of the notification referred to in paragraph 1, with the corrected data for all the heavy-duty vehicles reported in the reporting period concerned and an explanation for the discrepancies.

4. The manufacturers shall transmit the corrected data referred to in paragraphs 2 and 3 via the electronic data transfer to the Business Data Repository managed by the European Environment Agency.

*Article 5***Correction of data**

1. Where the Commission is satisfied with the explanation and with the corrected data provided by the manufacturers pursuant to Article 4, it shall include the corrected data in the final dataset to be published in the Central Register for data on heavy-duty vehicles and mark it as corrected.

2. Where the Commission is not satisfied with the explanation or with the corrected data provided by the manufacturers or where the manufacturers do not provide the corrected data within the deadline set out in paragraphs 2 and 3 of Article 4, the Commission shall:
- (a) correct the CO₂ emissions expressed in g/tkm for the heavy-duty vehicles selected in accordance with Article 1(2), which are affected by the discrepancies, based on the information provided by the manufacturer pursuant to paragraphs 2 and 3 of Article 2;
 - (b) in the case of discrepancies of a systematic nature, correct the CO₂ emissions of all heavy-duty vehicles registered in the reporting period concerned by applying a correction factor.
3. The correction factor referred to in point (b) of paragraph 2 shall be determined on the basis of the discrepancies observed in the CO₂ emissions expressed in g/tkm of the heavy-duty vehicles selected in accordance with Article 1(2).
4. The Commission shall include the corrected data in the final dataset to be published in the Central Register for data on heavy-duty vehicles and mark it as corrected.

Article 6

Entry into force

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, 20 July 2020.

For the Commission
The President
Ursula VON DER LEYEN
