

COMMISSION IMPLEMENTING REGULATION (EU) 2021/941**of 10 June 2021****laying down a specific procedure for identifying heavy-duty vehicles certified as vocational vehicles but not registered as such and applying corrections to the annual average specific CO₂ emissions of a manufacturer to take those vehicles into account****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) In order to identify heavy-duty vehicles that are certified as vocational vehicles but not registered as such, it is appropriate to use the data reported by the manufacturers and Member States in accordance with Regulation (EU) 2018/956 of the European Parliament and of the Council ⁽²⁾.
- (2) In order to resolve the discrepancies in the data reported on certifications and registrations in accordance with Regulation (EU) 2018/956, the Member States and the manufacturers should be allowed to comment on and, if the case may be, report new information to correct the information reported previously.
- (3) It is necessary that the corrections, resulting from heavy-duty vehicles that are certified as vocational vehicles but not registered as such, and applied to the annual average specific CO₂ emissions of manufacturers, be proportionate and dissuasive, in order to incentivise a correct and careful processing of data and to avoid a wrong attribution of CO₂ emissions of such vehicles, either by intention or due to negligence.
- (4) Should the Commission consider that a vehicle should have been registered as a vocational vehicle, it should correct the data reported by Member States accordingly and consider the vehicle as vocational vehicle for the purposes of Article 2(3) of Regulation (EU) 2019/1242.
- (5) Therefore, for the calculation of the average specific CO₂ emissions of a manufacturer, wrongly attributed heavy-duty vehicles are considered with their CO₂ emissions determined on vocational mission profiles, which are higher than CO₂ emissions determined on delivery-type mission profiles and thereby less favourable for the manufacturer as if the vehicle had been correctly certified as a delivery vehicle from the beginning.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

⁽¹⁾ OJ L 198, 25.7.2019, p. 202.

⁽²⁾ 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 (OJ L 173, 9.7.2018, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Identification of heavy-duty vehicles certified as vocational vehicles but not registered as such

1. The Commission shall establish a list with heavy-duty vehicles that have been certified in the meaning of Article 2(3) of Regulation (EU) 2019/1242 as vocational vehicles based on the data reported by the manufacturer in accordance with Article 5 of Regulation (EU) 2018/956 but which were not registered as vocational vehicles based on the data reported by the Member States in accordance with Article 4 of Regulation (EU) 2018/956.
2. The Commission shall provide the competent authorities referred to in Article 4(2) of Regulation (EU) 2018/956 and the contact points appointed by the manufacturer pursuant to Article 5(2) of Regulation (EU) 2018/956 with the relevant parts of the list referred to in paragraph 1.
3. Competent authorities and manufacturers may provide the Commission within one month after receipt of the list pursuant to paragraph 2 with clarifications on the correctness of the data reported pursuant to Articles 4 and 5 of Regulation (EU) 2018/956.
4. After receiving the clarifications or after the expiry of the one month period provided to in paragraph 3, the Commission shall assess the list with heavy-duty vehicles referred to in paragraph 1 on the basis of the reported clarification provided pursuant to paragraph 3, arguments of the parties and possibly some further investigations.
5. If, based on the outcome of the assessment referred to in paragraph 4, the Commission concludes that heavy-duty vehicles identified pursuant to paragraph 1 were correctly registered as vehicles other than vocational, it shall apply corrections to the annual average specific CO₂ emissions of a manufacturer in accordance with Article 2 to take those vehicles into account.
6. The Commission may, based on the technical characteristics of the vehicles concerned, replace the initially reported vocational vehicle certification by a certification of the same heavy-duty vehicle, which shall be re-calculated by the manufacturer, according to its technical characteristics, in vehicle group 4, 5, 9 or 10 of Annex I, Table 1 to Commission Regulation (EU) 2017/2400 ⁽³⁾. In such a case, the Commission shall not apply corrections to the annual average specific CO₂ emissions of a manufacturer in accordance with Article 2 to take those vehicles into account but the vehicles shall be included in the determination of the specific CO₂ emissions of a manufacturer according to the provisions of Regulation (EU) 2019/1242, in particular when the manufacturer has taken the measures reasonably to be expected based on the information available at the time of the declaration to support a correct declaration as vocational.
7. If, based on the outcome of the assessment referred to in paragraph 4, the Commission concludes that heavy-duty vehicles identified pursuant to paragraph 1 should have been registered as vocational vehicles, it shall correct the data reported by the Member State in accordance with Article 4 of Regulation (EU) 2018/956 and inform the Member State where those heavy-duty vehicles were registered of that correction.

Article 2

Application of corrections to average specific CO₂ emissions

If heavy-duty vehicles corresponding to the provisions of Article 1(5) exist, the annual average specific CO₂ emissions of the manufacturer shall be corrected as follows:

$$(\text{avgCO}_{2\text{sg}})_{\text{corr}} = (V_{\text{sg}} \times \text{avgCO}_{2\text{sg}} + \Sigma_v \text{CO}_{2\text{V}_v}) / (V_{\text{sg}} + V_{\text{ocsg}}),$$

where:

$\text{avgCO}_{2\text{sg}}$ are the average specific CO₂ emissions of the manufacturer defined in Annex I, point 2.2. to Regulation (EU) 2019/1242;

⁽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).

V_{sg} is the number of new heavy-duty vehicles of the manufacturer in the vehicle sub-group sg , excluding vocational vehicles, in accordance with Article 4, point (a) of Regulation (EU) 2019/1242;

Σ_v is the sum over all heavy-duty vehicles of the manufacturer in the vehicle sub-group sg , in accordance with the provisions of Article 1(5);

$CO2V_v$ is the average of the CO_2 emissions in g/tkm of the vocational vehicle v for all different combinations of mission profiles, load conditions and fuel types, reported in accordance with Regulation (EU) 2018/956;

V_{ocsg} is the number of heavy-duty vehicles of the manufacturer in the vehicle sub-group sg , in accordance with Article 1(5).

The corrected average specific CO_2 emissions of the manufacturer ($avgCO2_{sg/corr}$) shall replace the average specific CO_2 emissions of the manufacturer $avgCO2_{sg}$ for the purposes of Regulation (EU) 2019/1242.

Article 3

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, 10 June 2021.

For the Commission
The President
Ursula VON DER LEYEN
