

2017/0293 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

setting emission performance standards for new passenger cars and for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles and amending Regulation (EC) No 715/2007 (recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION [...] HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and objectives

1. This Regulation establishes CO₂ emissions performance requirements for new passenger cars and for new light commercial vehicles in order to ensure the proper functioning of the internal market.
2. From 1 January 2020, this Regulation sets an EU fleet-wide target of 95 g CO₂/km for the average emissions of new passenger cars and an EU fleet-wide target of 147 g CO₂/km for the average emissions of new light commercial vehicles registered in the Union, as measured until 31 December 2020 in accordance with Regulation (EC) No 692/2008 together with Implementing Regulations (EU) 2017/1152 and (EU) 2017/1153, and, from 1 January 2021 measured in accordance with Regulation (EU) 2017/1151.

3. This Regulation will until 31 December 2024 be complemented by additional measures corresponding to a reduction of 10 g CO₂/km as part of the Union's integrated approach referred to in the 2007 Communication from the Commission to the Council and the European Parliament¹.
4. From 1 January 2025 the following EU fleet-wide targets shall apply:
 - (a) for the average emissions of the new passenger car fleet, an EU fleet-wide target equal to a 15% reduction of the average of the specific emissions targets in 2021 determined in accordance with point 6.1.1 of Part A of Annex I;
 - (b) for the average emissions of the new light commercial vehicles fleet, an EU fleet-wide target equal to a 15% reduction of the average of the specific emissions targets in 2021 determined in accordance with point 6.1.1 of Part B of Annex I;
5. From 1 January 2030 the following targets shall apply:
 - (a) for the average emissions of the new passenger car fleet, an EU fleet-wide target equal to a 30% reduction of the average of the specific emissions targets in 2021 determined in accordance with point 6.1.2 of Part A of Annex I;
 - (b) for the average emissions of the new light commercial vehicles fleet, an EU fleet-wide target equal to a 30% reduction of the average of the specific emissions targets in 2021 determined in accordance with point 6.1.2 of Part B of Annex I.

Article 2

Scope

1. This Regulation shall apply to the following motor vehicles:
 - (a) category M₁ as defined in Annex II to Directive 2007/46/EC ('passenger cars') which are registered in the Union for the first time and which have not previously been registered outside the Union ('new passenger cars');
 - (b) category N₁ as defined in Annex II to Directive 2007/46/EC with a reference mass not exceeding 2 610 kg and category N₁ to which

¹ Communication from the Commission to the Council and the European Parliament of 7 February 2007 Results of the review of the Community Strategy to reduce CO₂ emissions from passenger cars and light-commercial vehicles (COM(2007) 19 final).

type-approval is extended in accordance with Article 2(2) of Regulation (EC) No 715/2007 ('light commercial vehicles') which are registered in the Union for the first time and which have not previously been registered outside the Union ('new light commercial vehicles').

2. A previous registration outside the Union made less than three months before registration in the Union shall not be taken into account.
3. This Regulation shall not apply to special purpose vehicles as defined in point 5 of Part A to Annex II to Directive 2007/46/EC.
4. Article 4, Article 7 (4)(b) and (c), Article 8 and Article 9(1)(a) and (c) shall not apply to a manufacturer which, together with all of its connected undertakings, is responsible for fewer than 1 000 new passenger cars or for fewer than 1 000 new light commercial vehicles registered in the Union in the previous calendar year, unless that manufacturer applies for and is granted a derogation in accordance with Article 10.

Article 3

Definitions

1. For the purposes of this Regulation, the following definitions shall apply:
 - (a) 'average specific emissions of CO₂' means, in relation to a manufacturer, the average of the specific emissions of CO₂ of all new passenger cars or of all new light commercial vehicles of which it is the manufacturer;
 - (b) 'certificate of conformity' means the certificate referred to in Article 18 of Directive 2007/46/EC;
 - (c) 'completed vehicle' means a light commercial vehicle where type-approval is granted following completion of a process of multi-stage type-approval in accordance with Directive 2007/46/EC;
 - (d) 'complete vehicle' means any light commercial vehicle which does not need to be completed in order to meet the relevant technical requirements of Directive 2007/46/EC;
 - (e) 'base vehicle' means any light commercial vehicle which is used at the initial stage of a multi-stage type-approval process;

- (f) 'manufacturer' means the person or body responsible to the approval authority for all aspects of the EC type-approval procedure in accordance with Directive 2007/46/EC and for ensuring conformity of production;
- (g) 'mass in running order' means the mass of the passenger car or light commercial vehicle with bodywork in running order as stated in the certificate of conformity and defined in section 2.6 of Annex I to Directive 2007/46/EC;
- (h) 'specific emissions of CO₂' means the CO₂ emissions of a passenger car or a light commercial vehicle measured in accordance with Regulation (EC) No 715/2007 and its implementing Regulations and specified as the CO₂ mass emission (combined) in the certificate of conformity of the vehicle. For passenger cars or light commercial vehicles which are not type-approved in accordance with Regulation (EC) No 715/2007, 'specific emissions of CO₂' means the CO₂ emissions measured in accordance with the same measurement procedure as specified in Regulation (EC) No 692/2008 until 31 December 2020, and from 1 January 2021 in Regulation (EU) 2017/1151, or in accordance with procedures adopted by the Commission to establish the CO₂ emissions for such vehicles;
- (i) 'footprint' means the average track width multiplied by the wheelbase as stated in the certificate of conformity and defined in Sections 2.1 and 2.3 of Annex I to Directive 2007/46/EC;
- (j) 'specific emissions target' means, in relation to a manufacturer, the annual target determined in accordance with Annex I or, if the manufacturer is granted a derogation in accordance with Article 10 the specific emissions target determined according to that derogation;
- (k) 'EU fleet-wide target' means the average CO₂ emissions of all new passenger cars or all new light commercial vehicles to be achieved in a given period;
- (l) 'test mass' means the test mass of a passenger car or light commercial vehicle as stated in the certificate of conformity and as defined in point 3.2.25 of Annex XXI to Regulation (EU) 2017/1151;
- (m) 'zero- and low-emission vehicle' means a passenger car or a light commercial vehicle with tailpipe emissions from zero up to 50 g

CO₂/km, as determined in accordance with Regulation (EU) 2017/1151.

(n) ‘payload’ means the difference between the technically permissible maximum laden mass pursuant to Annex II to Directive 2007/46/EC and the mass of the vehicle.

2. For the purposes of this Regulation ‘a group of connected manufacturers’ means a manufacturer and its connected undertakings. In relation to a manufacturer, ‘connected undertakings’ means:

- (a) undertakings in which the manufacturer has, directly or indirectly:
 - (i) the power to exercise more than half the voting rights; or
 - (ii) the power to appoint more than half the members of the supervisory board, board of management or bodies legally representing the undertaking; or
 - (iii) the right to manage the undertaking's affairs;
- (b) undertakings which directly or indirectly have, over the manufacturer, the rights or powers listed in point (a);
- (c) undertakings in which an undertaking referred to in point (b) has, directly or indirectly, the rights or powers listed in point (a);
- (d) undertakings in which the manufacturer together with one or more of the undertakings referred to in points (a), (b) or (c), or in which two or more of the latter undertakings, jointly have the rights or powers listed in point (a);
- (e) undertakings in which the rights or the powers listed in point (a) are jointly held by the manufacturer or one or more of its connected undertakings referred to in points (a) to (d) and one or more third parties.

Article 4

Specific emissions targets

1. The manufacturer shall ensure that its average specific emissions of CO₂ do not exceed the following specific emissions targets:

- (a) for calendar year 2020, the specific emissions target determined in accordance with points 1 and 2 of Part A of Annex I in the case of passenger cars, or points 1 and 2 of Part B of Annex I in the case of light commercial vehicles, or where a manufacturer is granted a derogation under Article 10, in accordance with that derogation;
- (b) for each calendar year from 2021 until 2024, the specific emissions target determined in accordance with points 3 and 4 of Parts A or B of Annex I as appropriate or, where a manufacturer is granted a derogation under Article 10, in accordance with that derogation and point 5 of Parts A or B of Annex I;
- (c) for each calendar year, starting from 2025, the specific emissions targets determined in accordance with point 6.3 of Parts A or B of Annex I.

2. In the case of light commercial vehicles, where the specific emissions of the completed vehicle are not available, the manufacturer of the base vehicle shall use the specific emissions of the base vehicle for determining its average specific emissions of CO₂.

3. For the purposes of determining each manufacturer’s average specific emissions of CO₂, the following percentages of each manufacturer’s new passenger cars registered in the relevant year shall be taken into account:

- 95 % in 2020,
- 100 % from 2021 onwards.

Article 5

Super-credits for 95 g CO₂/km target

In calculating the average specific emissions of CO₂, each new passenger car with specific emissions of CO₂ of less than 50 g CO₂/km shall be counted as:

- 2 passenger cars in 2020,
- 1,67 passenger cars in 2021,
- 1,33 passenger cars in 2022,
- 1 passenger car from 2023,

for the year in which it is registered in the period from 2020 to 2022, subject to a cap of 7,5 g CO₂/km over that period for each manufacturer and subject to Article 5 of Implementing Regulation (EU) 2017/1153.

Article 6

Pooling

1. Manufacturers, other than manufacturers which have been granted a derogation under Article 10, may form a pool for the purposes of meeting their obligations under Article 4.
2. An agreement to form a pool may relate to one or more calendar years, provided that the overall duration of each agreement does not exceed five calendar years, and must be entered into on or before 31 December in the first calendar year for which emissions are to be pooled. Manufacturers which form a pool shall file the following information with the Commission:
 - (a) the manufacturers who will be included in the pool;
 - (b) the manufacturer nominated as the pool manager who will be the contact point for the pool and will be responsible for paying any excess emissions premium imposed on the pool in accordance with Article 8;
 - (c) evidence that the pool manager will be able to fulfil the obligations under point (b);
 - (d) the category of vehicles registered as M₁ or N₁, for which the pool shall apply.
3. Where the proposed pool manager fails to meet the requirement to pay any excess emissions premium imposed on the pool in accordance with Article 8, the Commission shall notify the manufacturers.
4. Manufacturers included in a pool shall jointly inform the Commission of any change of pool manager or of its financial status, in so far as this may affect its ability to meet the requirement to pay any excess emissions premium imposed on the pool in accordance with Article 8 and of any changes to the membership of the pool or the dissolution of the pool.
5. Manufacturers may enter into pooling arrangements provided that their agreements comply with Articles 101 and 102 TFEU and that they allow open, transparent and non-discriminatory participation on commercially

reasonable terms by any manufacturer requesting membership of the pool. Without prejudice to the general applicability of Union competition rules to such pools, all members of a pool shall in particular ensure that neither data sharing nor information exchange may occur in the context of their pooling arrangement, except in respect of the following information:

- (a) the average specific emissions of CO₂;
 - (b) the specific emissions target;
 - (c) the total number of vehicles registered.
6. Paragraph 5 shall not apply where all the manufacturers included in the pool are part of the same group of connected manufacturers.
 7. Except where notification is given under paragraph 3, the manufacturers in a pool in respect of which information is filed with the Commission shall be considered as one manufacturer for the purposes of meeting their obligations under Article 4. Monitoring and reporting information in respect of individual manufacturers as well as any pools will be recorded, reported and made available in the central register referred to in Article 7(4).
 8. The Commission may specify the detailed conditions that shall apply for a pooling arrangement set up pursuant to paragraph 5 by way of implementing acts to be adopted in accordance with the examination procedure referred to in Article 15(2).

Article 7

Monitoring and reporting of average emissions

1. For each calendar year, each Member State shall record information for each new passenger car and each new light commercial vehicle registered in its territory in accordance with Parts A of Annexes II and III. This information shall be made available to the manufacturers and their designated importers or representatives in each Member State. Member States shall make every effort to ensure that reporting bodies operate in a transparent manner. Each Member State shall ensure that the specific emissions of CO₂ of passenger cars which are not type-approved in accordance with Regulation (EC) No 715/2007 are measured and recorded in the certificate of conformity.
2. By 28 February of each year, each Member State shall determine and transmit to the Commission the information listed in Parts A of Annexes II

and III in respect of the preceding calendar year. The data shall be transmitted in accordance with the format specified in Part B of Annex II and Part C of Annex III.

3. On request from the Commission, a Member State shall also transmit the full set of data collected pursuant to paragraph 1.
4. The Commission shall keep a central register of the data reported by Member States under this Article and by 30 June of each year shall provisionally calculate the following for each manufacturer:
 - (a) the average specific emissions of CO₂ in the preceding calendar year;
 - (b) the specific emissions target in the preceding calendar year;
 - (c) the difference between its average specific emissions of CO₂ in the preceding calendar year and its specific emissions target for that year.

The Commission shall notify each manufacturer of its provisional calculation for that manufacturer. The notification shall include data for each Member State on the number of new passenger cars and of new light commercial vehicles registered and their specific emissions of CO₂.

The register shall be publicly available.

5. Manufacturers may, within three months of being notified of the provisional calculation under paragraph 4, notify the Commission of any errors in the data, specifying the Member State in which it considers that the error occurred.

The Commission shall consider any notifications from manufacturers and shall, by 31 October, either confirm or amend the provisional calculations under paragraph 4.

6. Member States shall designate a competent authority for the collection and communication of the monitoring data in accordance with this Regulation and shall inform the Commission of the competent authority designated.

The competent authorities shall ensure the correctness and completeness of the data transmitted to the Commission, and shall appoint a contact person that shall be available to respond quickly to requests from the Commission to address errors and omissions in the transmitted datasets.

7. The Commission shall adopt detailed rules on the procedures for monitoring and reporting of data under paragraphs 1 to 7 and on the application of Annex II by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

The Commission shall be empowered to adopt delegated acts in accordance with Article 16 in order to amend the data requirements and data parameters set out in Annex II and III.

8. Type approval authorities shall without delay report to the Commission deviations found in the CO₂ emissions of vehicles in service as compared to those values indicated in the certificates of conformity as a result of verifications performed in accordance with the procedure referred to in [Article 11a] of Regulation (EC) No 715/2007.

The Commission shall take those deviations into account for the purpose of calculating the average specific emissions of a manufacturer.

The Commission may adopt detailed rules on the procedures for reporting such deviations and for taking them into account in the calculation of the average specific emissions. Those procedures shall be adopted by way of implementing acts in accordance with the examination procedure referred to in Article 15(2).

9. Member States shall also collect and report data, in accordance with this Article, on registrations of vehicles in categories M₂ and N₂ as defined in Annex II to Directive 2007/46/EC with a reference mass not exceeding 2 610 kg and vehicles to which type approval is extended in accordance with Article 2(2) of Regulation (EC) No 715/2007.

Article 8

Excess emissions premium

1. In respect of each calendar year, the Commission shall impose an excess emissions premium on a manufacturer or pool manager, as appropriate, where a manufacturer's average specific emissions of CO₂ exceed its specific emissions target.
2. The excess emissions premium under paragraph 1 shall be calculated using the following formula:

(Excess emissions × EUR 95) × number of newly registered vehicles.

For the purposes of this Article the following definitions shall apply:

- ‘excess emissions’ means the positive number of grams per kilometre by which a manufacturer’s average specific emissions of CO₂, taking into account CO₂ emissions reductions due to innovative technologies approved in accordance with Article 11, exceeded its specific emissions target in the calendar year or part thereof to which the obligation under Article 4 applies, rounded to the nearest three decimal places, and
 - ‘number of newly registered vehicles’ means the number of new passenger cars or new light commercial vehicles counted separately of which it is the manufacturer and which were registered in that period according to the phase-in criteria as set out in Article 4(3).
3. The Commission shall determine the means for collecting excess emissions premiums under paragraph 1 by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).
 4. The amounts of the excess emissions premium shall be considered as revenue for the general budget of the Union.

Article 9

Publication of performance of manufacturers

1. By 31 October of each year, the Commission shall publish by means of implementing acts a list indicating:
 - (a) for each manufacturer, its specific emissions target for the preceding calendar year;
 - (b) for each manufacturer, its average specific emissions of CO₂ in the preceding calendar year;
 - (c) the difference between the manufacturer’s average specific emissions of CO₂ in the preceding calendar year and its specific emissions target in that year;
 - (d) the average specific emissions of CO₂ for all new passenger cars and new light commercial vehicles registered in the Union in the previous calendar year;

- (e) the average mass in running order for all new passenger cars and new light commercial vehicles registered in the Union in the preceding calendar year until 31 December 2020;
 - (f) the average test mass of all new passenger cars and new light commercial vehicles registered in the Union in the preceding calendar year.
2. The list published under paragraph 1 shall also indicate whether the manufacturer has complied with the requirements of Article 4 with respect to the preceding calendar year.
 3. The list referred to in paragraph 1 shall, for the publication by 31 October 2022, indicate the following:
 - (a) the 2025 and 2030 EU fleet-wide targets referred to in Article 1(4) and (5) calculated by the Commission in accordance with points 6.1.1 and 6.1.2 of Parts A and B of Annex I;
 - (b) the values for a_{2021} , a_{2025} and a_{2030} calculated by the Commission in accordance with point 6.2 of Parts A and B of Annex I.

Article 10

Derogations for certain manufacturers

1. An application for a derogation from the specific emissions target calculated in accordance with Annex I may be made by a manufacturer of fewer than 10 000 new passenger cars or 22 000 new light commercial vehicles registered in the Union per calendar year, and which:
 - (a) is not part of a group of connected manufacturers; or
 - (b) is part of a group of connected manufacturers that is responsible in total for fewer than 10 000 new passenger cars or 22 000 new light commercial vehicles registered in the Union per calendar year; or
 - (c) is part of a group of connected manufacturers but operates its own production facilities and design centre.
2. A derogation applied for under paragraph 1 may be granted for a maximum period of five calendar years renewable. An application shall be made to the Commission and shall include:

- (a) the name of, and contact person for, the manufacturer;
 - (b) evidence that the manufacturer is eligible for a derogation under paragraph 1;
 - (c) details of the passenger cars or light commercial vehicles which it manufactures including the test mass and specific emissions of CO₂ of those passenger cars or light commercial vehicles; and
 - (d) a specific emissions target consistent with its reduction potential, including the economic and technological potential to reduce its specific emissions of CO₂ and taking into account the characteristics of the market for the type of passenger car or light commercial vehicle manufactured.
3. Where the Commission considers that the manufacturer is eligible for a derogation applied for under paragraph 1 and is satisfied that the specific emissions target proposed by the manufacturer is consistent with its reduction potential, including the economic and technological potential to reduce its specific emissions of CO₂, and taking into account the characteristics of the market for the type of light commercial vehicle manufactured, the Commission shall grant a derogation to the manufacturer. The application shall be submitted at the latest by 31 October of the first year in which the derogation shall apply.
4. An application for a derogation from the specific emissions target calculated in accordance with points 1 to 4 of Part A of Annex I may be made by a manufacturer which is responsible, together with all of its connected undertakings, for between 10 000 and 300 000 new passenger cars registered in the Union per calendar year.
- Such application may be made by a manufacturer in respect of itself or in respect of itself together with any of its connected undertakings. An application shall be made to the Commission and shall include:
- (a) all of the information referred to in paragraphs 2(a) and (c) including, where relevant, information about any connected undertakings;
 - (b) a target which is a 45 % reduction on the average specific emissions of CO₂ in 2007 or, where a single application is made in respect of a number of connected undertakings, a 45 % reduction on the average of those undertakings' average specific emissions of CO₂ in 2007.

Where information on a manufacturer's average specific emissions of CO₂ does not exist for the year 2007, the Commission shall determine an equivalent reduction target based upon the best available CO₂ emissions reduction technologies deployed in passenger cars of comparable mass and taking into account the characteristics of the market for the type of car manufactured. This target shall be used by the applicant for the purposes of point (b).

The Commission shall grant a derogation to the manufacturer where it is demonstrated that the criteria for the derogation referred to in this paragraph have been met.

- 5. A manufacturer which is subject to a derogation in accordance with this Article shall notify the Commission immediately of any change which affects or may affect its eligibility for a derogation.
- 6. Where the Commission considers, whether on the basis of a notification under paragraph 5 or otherwise, that a manufacturer is no longer eligible for the derogation, it shall revoke the derogation with effect from 1 January of the next calendar year and shall notify the manufacturer thereof.
- 7. Where the manufacturer does not attain its specific emissions target, the Commission shall impose the excess emissions premium on the manufacturer, as set out in Article 8.
- 8. The Commission shall be empowered to adopt delegated acts in accordance with Article 16 laying down rules to supplement paragraphs 1 to 7 of this Article, as regards the interpretation of the eligibility criteria for derogations, the content of the applications, and the content and assessment of programmes for the reduction of specific emissions of CO₂.
- 9. Applications for a derogation, including the information supporting it, notifications under paragraph 5, revocations under paragraph 6 and any imposition of an excess emissions premium under paragraph 7 and measures adopted pursuant to paragraph 8, shall be made publicly available, subject to

Regulation (EC) No 1049/2001 of the European Parliament and of the Council².

Article 11

Eco-innovation

1. Upon application by a supplier or a manufacturer, CO₂ savings achieved through the use of innovative technologies or a combination of innovative technologies ('innovative technology packages') shall be considered.

Such technologies shall be taken into consideration only if the methodology used to assess them is capable of producing verifiable, repeatable and comparable results.

The total contribution of those technologies to reducing the average specific emissions of a manufacturer may be up to 7 g CO₂/km.

The Commission may adjust the cap with effect from 2025 onwards. Those adjustments shall be performed by means of delegated acts in accordance with Article 16.

2. The Commission shall adopt, by means of implementing acts, detailed provisions for a procedure to approve the innovative technologies or innovative technology packages referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation. Those detailed provisions shall be based on the following criteria for innovative technologies:
 - (a) the supplier or manufacturer must be accountable for the CO₂ savings achieved through the use of the innovative technologies;
 - (b) the innovative technologies must make a verified contribution to CO₂ reduction;
 - (c) the innovative technologies must not be covered by the standard test cycle CO₂ measurement;
 - (d) the innovative technologies must not be covered by mandatory provisions due to complementary additional measures complying

with the 10 g CO₂/km reduction referred to in Article 1 or be mandatory under other provisions of Union law. With effect from 1 January 2025, this criterion shall not apply with regard to efficiency improvements for air conditioning systems.

3. A supplier or a manufacturer who applies for a measure to be approved as an innovative technology or innovative technology package shall submit a report, including a verification report undertaken by an independent and certified body, to the Commission. In the event of a possible interaction of the measure with another innovative technology or innovative technology package already approved, the report shall mention that interaction and the verification report shall evaluate to what extent that interaction modifies the reduction achieved by each measure.
4. The Commission shall attest the reduction achieved on the basis of the criteria set out in paragraph 2.

Article 12

Real world CO₂ emissions and energy consumption

1. The Commission shall monitor and assess the real world representativeness of the CO₂ emission and energy consumption values determined in accordance with Regulation (EU) 2017/1151. It shall ensure that the public is informed of how that representativeness evolves over time.
2. For that purpose, the Commission shall ensure the availability, from manufacturers or national authorities, as the case may be, of robust non-personal data on real world CO₂ emissions and energy consumption of passenger cars and light commercial vehicles.
3. The Commission may adopt the measures referred to in this Article by means of implementing acts in accordance with the examination procedure referred to in Article 15(2).

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Article 13

Adjustment of M_0 and TM_0

1. The figures M_0 and TM_0 referred to in Parts A and B of Annex I shall be adjusted as follows:
 - (a) by 31 October 2020, the figure M_0 in points 1 to 5 of Part A of Annex I shall be adjusted to the average mass in running order of new passenger cars in the previous three calendar years 2017, 2018, and 2019. That new M_0 value shall apply from 1 January 2022 until 31 December 2024;
 - (b) by 31 October 2022, the figure M_0 in points 1 to 5 of Part B of Annex I shall be adjusted to the average mass in running order of new light commercial vehicles in the previous three calendar years 2019, 2020 and 2021. That new M_0 shall apply in 2024;
 - (c) by 31 October 2022, the indicative TM_0 for 2025 shall be determined as the respective average test mass of new passenger cars and new light commercial vehicles in 2021;
 - (d) by 31 October 2024, and every second year thereafter, the figures TM_0 in Parts A and B of Annex I shall be adjusted to the respective average test mass of new passenger cars and new light commercial vehicles in the preceding two calendar years starting with 2022 and 2023. The new respective TM_0 shall apply from 1 January of the calendar year following the date of the adjustment.
2. The Commission shall, by means of delegated acts, adopt the measures referred to in paragraph 1 in accordance with Article 16.

Article 14

Review and report

1. The Commission shall in 2024 submit a report to the European Parliament and the Council on the effectiveness of this Regulation, where appropriate, accompanied by a proposal for amending the Regulation. This report will consider, inter alia, the real world representativeness of the CO₂ emission

³ Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1)

and energy consumption values determined in accordance with Regulation (EU) 2017/1151, the deployment on the Union market of zero- and low-emission vehicles and the roll-out of recharging and refuelling infrastructure reported under Directive 2014/94/EU of the European Parliament and of the Council³.

2. The Commission shall take into account the assessments performed pursuant to Article 12 and may, where appropriate, review the procedures for measuring CO₂ emissions as set out under Regulation (EC) No 715/2007. The Commission shall, in particular, make appropriate proposals to adapt those procedures to reflect adequately the real world CO₂ emissions of cars and light commercial vehicles.
3. The Commission shall, by means of implementing acts, determine the correlation parameters necessary in order to reflect any change in the regulatory test procedure for the measurement of specific CO₂ emissions referred to in Regulation (EC) No 715/2007 and Regulation (EC) No 692/2008 and, where applicable, Regulation (EU) 2017/1151. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.

The Commission shall be empowered to adopt delegated acts in accordance with Article 16 in order to adapt the formulae set out in Annex I, using the methodology adopted pursuant to the first subparagraph, while ensuring that reduction requirements of comparable stringency for manufacturers and vehicles of different utility are required under the old and new test procedures.

Article 15

Committee procedure

1. The Commission shall be assisted by the Energy Union Committee established by Article 37 of Regulation (EU) No 2018/1999 of the European Parliament and of the Council⁴. That committee shall be a committee within

⁴ Regulation (EU) 2018/1999 of the European Parliament and the Council on the Governance of the Energy union (OJ L 328,1).

the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁵.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 16

Exercise of the delegation

1. The power to adopt delegated acts referred to in the second subparagraph of Article 7(7), Article 10(8), the fourth subparagraph of Article 11(1), Article 13(2) and the second subparagraph of Article 14(3) shall be conferred on the Commission for an indeterminate period of time from [the date of entry into force of this Regulation].
2. The delegation of power referred to in the second subparagraph of Article 7(7), Article 10(8), the fourth subparagraph of Article 11(1), Article 13(2) and the second subparagraph of Article 14(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
3. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
4. A delegated act adopted pursuant to the second subparagraph of Article 7(7), Article 10(8), the fourth subparagraph of Article 11(1), Article 13(2) and the second subparagraph of Article 14(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the

Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 17

Amendment to Regulation (EC) No 715/2007

The following Article 11a shall be inserted in Regulation (EC) No 715/2007:

"Article 11a

In-service conformity of CO₂ emissions and fuel consumption

1. Subject to the adoption and entry into force of the procedures referred to in paragraph 2, type approval authorities shall, on the basis of appropriate and representative samples, verify that vehicles that have entered into service and for which they granted type approval conform to the CO₂ emission and fuel consumption values recorded in the certificates of conformity.
2. The Commission shall adopt implementing acts in accordance with Article 15 in order to determine the procedures for verifying the in-service conformity of light duty vehicles in respect of the certified CO₂ and fuel consumption values."

Article 18

Repeal

Regulations (EC) No 443/2009 and (EU) No 510/2011 are repealed with effect from 1 January 2020.

References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.

⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Article 19

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*.

It shall apply from 1 January 2020.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President