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►**B** **COMMISSION IMPLEMENTING REGULATION (EU) No 427/2014**

of 25 April 2014

establishing a procedure for the approval and certification of innovative technologies for reducing CO_2 emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council

(Text with EEA relevance)

(OJ L 125, 26.4.2014, p. 57)

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COMMISSION IMPLEMENTING REGULATION (EU) No 427/2014

of 25 April 2014

establishing a procedure for the approval and certification of innovative technologies for reducing CO_2 emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council

(Text with EEA relevance)

Article 1

Subject matter

This Regulation sets out the procedure to be followed for the application for, and assessment, approval and certification of innovative technologies that reduce emissions of CO_2 from light commercial vehicles pursuant to Article 12 of Regulation (EU) No 510/2011.

Article 2

Scope

1. Any technology falling within the scope of the following measures shall not be considered as an innovative technology:

(a) efficiency improvements for air-conditioning systems;

(b) tyre pressure monitoring systems falling within the scope of Regulation (EC) No 661/2009;

(c) tyre rolling resistance falling within the scope of Regulation (EC) No 661/2009 and of Regulation (EC) No 1222/2009;

(d) gear shift indicators falling within the scope of Regulation (EC) No 661/2009;

(e) use of bio fuels.

2. ►M1 An application for the approval of an innovative technology as an eco-innovation may be made under this Regulation in respect of a technology, provided that the following conditions are met: ◄

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(a) it had been fitted in 3 % or less of all new light commercial vehicles registered in 2009 for applications submitted until 31 December 2019, or in 3 % or less of all new light commercial vehicles registered in the year n – 4, n being the year of application, for applications submitted from 1 January 2020;

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(b) it relates to items intrinsic to the efficient operation of the vehicle and is compatible with Directive 2007/46/EC.

3. In the case of completed vehicles, only eco-innovations fitted on a base vehicle that is EC type-approved as an incomplete vehicle shall be considered for the certification of CO_2 emission reductions pursuant to Article 11.

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4. An application for the approval of an innovative technology as an eco-innovation may be made by reference to the standard test procedure in accordance with the following:

(a) to the New European Driving Cycle referred to in Annex XII to Regulation (EC) No 692/2008 until 31 December 2019;

(b) to the Worldwide Harmonised Light Vehicle Test Procedure referred to in Commission Regulation (EU) 2017/1151 ([1]) from 14 March 2018.

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Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(1) ‘innovative technology’ means a technology or a combination of technologies with similar technical features and characteristics (innovative technology package) where the CO_2 savings can be demonstrated using one testing methodology and where each of the individual technologies forming the combination falls within the scope specified in Article 2;

(2) ‘supplier’ means the manufacturer of an innovative technology responsible for ensuring conformity of production or its authorised representative in the Union or the importer;

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(3) ‘applicant’ means the manufacturer or supplier, or a group of manufacturers or suppliers, submitting an application for the approval of an innovative technology as an eco-innovation;

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(4) ‘eco-innovation’ means an innovative technology accompanied by a testing methodology that has been approved by the Commission in accordance with this Regulation;

([1]) 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).

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(5) ‘independent and certified body’ means a category A or category B technical service referred to in Article 41(3)(a) and (b) of Directive 2007/46/EC meeting the requirements set out in Article 42 of that Directive, with the exception of technical services designated in accordance with Article 41(6) of that Directive;

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(6) ‘requester’ means a manufacturer or supplier or a group of manufacturers or suppliers that requests the amendment of a decision approving an innovative technology as an eco-innovation.

Article 4

Application for the approval of an innovative technology as an eco-innovation

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1. An application for the approval of an innovative technology as an eco-innovation shall be submitted to the Commission in writing. The application and all supporting documentation shall also be submitted by electronic mail or electronic data carrier or uploaded in a server managed by the Commission. The written application shall list the supporting documentation.

2. ►M1 An application for the approval of an innovative technology as an eco-innovation shall include the following: ◄

(a) contact details of the applicant;

(b) a description of the innovative technology and the way it is fitted on a vehicle, including evidence that the technology falls within the scope specified in Article 2;

(c) a summary description of the innovative technology, including details supporting that the conditions provided for in Article 2(2) are met, and the testing methodology referred to in point (e) of this paragraph to be made public upon submission of the application to the Commission;

(d) an estimated indication of the individual vehicles that may be, or are intended to be, fitted with the innovative technology, and the estimated reductions of CO_2 emissions for those vehicles from the innovative technology;

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(e) a methodology to be used for demonstrating the CO_2 emission reductions of the innovative technology, including a reference to the applicable standard test procedure in accordance with Article 2(4), or where such methodology has already been approved by the Commission, a reference to the approved methodology;

(ea) where appropriate, and in addition to the methodology referred to in point (e), a simplified method for evaluating the CO_2 savings to be certified or predefined CO_2 savings values to be used for the purpose of certification of all vehicles fitted with the innovative technology;

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(f) evidence demonstrating that:

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(i) the emissions reduction achieved by the innovative technology as determined in accordance with points (e) and, where applicable, (ea) meets the relevant threshold specified in Article 9(1), taking into account any deterioration over time of the technology;

(ii) the CO_2 savings of the innovative technology are not or only partially covered by the standard test procedure CO_2 measurement as referred to in Article 12(2)(c) of Regulation (EU) No 510/2011 and as specified in Article 2(4) of this Regulation;

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(iii) the applicant is accountable for the CO_2 emission reduction of the innovative technology as specified in Article 9(3);

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(iv) in the case of point (ea) of this Article, the CO_2 reduction value to be attributed to a vehicle at the moment of certification using the simplified evaluation method, or by way of predefined CO_2 savings values as referred to in point (ea), is lower or equal to the emissions reduction achieved by the innovative technology as determined using the testing methodology referred to in point (e), including any possible interactions with other approved eco-innovations;

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(g) a verification report from an independent and certified body as specified in Article 7.

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Article 5

Baseline and eco-innovation

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1. For the purpose of the demonstration of CO_2 emissions referred to in Article 8, the applicant shall designate:

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(a) an eco-innovation vehicle that is to be fitted with the innovative technology, or, where appropriate, the innovative technology as a stand-alone component;

(b) a baseline vehicle that shall not to be fitted with the innovative technology but that is in all other aspects identical to the eco-innovation vehicle, or, where appropriate, a baseline technology as a stand-alone component.

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2. In the case of an innovative technology being fitted on an incomplete vehicle, the baseline vehicle referred to in paragraph 1 shall reflect the state of completion of the eco-innovation vehicle.

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3. If the applicant considers that the information referred to in Articles 8 and 9 can be demonstrated by other means than those referred to in paragraph 1 of this Article, the application for the approval of an innovative technology as an eco-innovation shall include the necessary details justifying that conclusion and a methodology providing equivalent results.

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4. Where the application for the approval of an innovative technology as an eco-innovation is made by reference to the WLTP as referred to in Article 2(4)(b), the baseline vehicle shall be the vehicle within the interpolation family or the road loads matrix family which represents the worst case for the purpose of demonstrating the eco-innovation savings.

In the case referred to in the second subparagraph of point 1.2.3.1 of sub-Annex 6 or point 3.2.3.1 of sub-Annex 7 to Annex XXI to Regulation (EU) 2017/1151, the baseline vehicle shall be the test vehicle H.

The choice of baseline vehicle shall be supported by strong and independent statistical evidence on the basis of which verifiable assumptions about the appropriateness and representativeness of the baseline vehicle can be made.

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Article 6

Testing methodology

1. The testing methodology referred to in Article 4(2)(e) shall provide results that are verifiable, repeatable and comparable. It shall be capable of demonstrating in a realistic manner the CO_2 emission benefits of the innovative technology with strong statistical significance and, where relevant, take account of the interaction with other eco-innovations.

2. The Commission shall publish guidance on the preparation of testing methodologies for different potential innovative technologies meeting the criteria in paragraph 1.

Article 7

Verification report

1. The verification report referred to in Article 4(2)(g) shall be established by an independent and certified body that is not part of the applicant or otherwise connected to it.

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1a. Where the applicant is a group of manufacturers or suppliers the following conditions apply:

(a) the independent and certified body shall carry out the verifications referred to in points (a) to (e) of paragraph 2 in relation to each member of the applicant group, where relevant, depending on the content of the application for the approval of an innovative technology as an eco-innovation;

(b) where appropriate for confidentiality or competition reasons, several verification reports may be provided by the members of the applicant group for different sets of data supporting the same application.

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2. For the purposes of the verification report, the independent and certified body shall:

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(a) verify that the eligibility criteria specified in Article 2(2) are met;

(b) verify that the information provided in accordance with Article 4(2)(f) meets the criteria set out in Article 9;

(c) verify that the testing methodology referred to in Article 4(2)(e) is appropriate for certifying the CO_2 savings from the innovative technology for the relevant vehicles referred to in Article 4(2)(d), and meets the minimum requirements specified in Article 6(1);

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(ca) verify, in the case of point (ea) of Article 4(2), that the simplified evaluation method or the predefined CO_2 savings values referred to in that point are appropriate for certifying the CO_2 savings for the relevant vehicles referred to in point (d) of Article 4(2), and meet the minimum requirements set out in Article 4[2][f](iv);

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(d) verify that the innovative technology is compatible with relevant requirements specified for the type-approval of the vehicle;

(e) declare that it meets the requirement specified in paragraph 1.

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For the purpose of point (c) and (ca), the independent and certified body shall provide the testing protocols established for the verification.

3. For the purposes of the certification of the CO_2 savings in accordance with Article 11, the independent and certified body shall, at the request of the manufacturer, draw up a report on the interaction between several eco-innovations fitted to one vehicle type, variant, version and, where applicable, interpolation family.

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The report shall specify the CO_2 savings from the different eco-innovations taking into account the impact of the interaction.

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Article 8

Demonstration of CO_2 emissions

1. The following CO_2 emissions shall be demonstrated for a number of vehicles representative of the individual vehicles indicated in accordance with Article 4(2)(d):

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(a) the CO_2 emissions from the baseline vehicle and from the eco-innovation vehicle with the innovative technology in operation resulting from the application of the methodology referred to in point (e) of Article 4(2) and, where appropriate, the application of the simplified evaluation method referred to in point (ea) of that Article;

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(b) the CO_2 emissions from the baseline vehicle and from the eco-innovation vehicle with the innovative technology in operation resulting from the application of the standard test procedure as specified in accordance with Article 2(4)(a) or (b).

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The demonstration of the CO_2 emissions in accordance with points (a) and (b) of the first subparagraph shall be carried out under testing conditions that are identical for all tests.

2. The total savings for an individual vehicle shall be the difference between the emissions demonstrated in accordance with point (a) of the first subparagraph of paragraph 1.

Where there is a difference between the emissions demonstrated in accordance with point (b) of the first subparagraph of paragraph 1, that difference shall be subtracted from the total savings demonstrated in accordance with point (a) of the first subparagraph of paragraph 1.

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In the case of applications for the approval of an innovative technology as an eco-innovation made by reference to Article 2(4)(b), the uncertainty shall be assessed and quantified for the purpose of determining the savings. The quantified uncertainty shall be subtracted from the total savings.

3. In the case of predefined CO_2 savings values proposed in accordance with Article 4(2)(ea), those values shall be set at a level that is lower or equal to the total savings determined in accordance with paragraph 2.

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Article 9

Eligibility criteria

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1. The minimum reduction to be achieved in accordance with Article 8(2) by the innovative technology shall be:

(a) 1 g CO_2/km in the case of an application made by reference to Article 2(4)(a);

(b) 0,5 g CO_2/km in the case of an application made by reference to Article 2(4)(b).

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2. Where the total savings of an innovative technology do not include any savings demonstrated under the ►M1 standard test procedure ◄ in accordance with Article 8(2), the innovative technology or innovative technology package shall be considered not to be covered by the ►M1 standard test procedure ◄.

3. The technical description of the innovative technology referred to in Article 4(2)(b) shall provide the necessary details for demonstrating that the CO_2 reducing performance of the technology is not dependant on settings or choices that are outside the control of the applicant.

Where the description is based on assumptions, those assumptions shall be verifiable and based on strong and independent statistical evidence supporting them and their applicability across the Union.

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Article 10

Assessment of an application for the approval of an innovative technology as an eco-innovation

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1. On receipt of an application, the Commission shall make public the summary description of the innovative technology and the testing methodology referred to in Article 4(2)(c).

2. The Commission shall assess the application and, within nine months from receipt of a complete application, it shall approve the innovative technology as an eco-innovation together with the testing methodology, unless objections are raised in respect of the eligibility of the technology or the appropriateness of the testing methodology.

The decision to approve the innovative technology as an eco-innovation shall specify the information required for the certification of the CO_2 savings in accordance with Article 11 of this Regulation, subject to the application of the exceptions to the right to public access to documents specified in Regulation (EC) No 1049/2001.

3. The Commission may require adjustments to the proposed testing methodology or require the use of another approved testing methodology than the one proposed by the applicant. The applicant shall be consulted on the proposed adjustment or the choice of testing methodology.

4. The assessment period may be extended by five months where the Commission finds that, because of the complexity of the innovative technology and the accompanying testing methodology or because of the size and contents of the application, the application cannot be appropriately assessed within the nine month assessment period.

The Commission shall within 40 days of receipt of the application notify the applicant if the assessment period is to be extended.

Article 11

Certification of CO_2 savings from eco-innovations

1. A manufacturer wishing to benefit from a reduction of its average specific CO_2 emissions for the purpose of meeting its specific emissions target by means of the CO_2 savings from an eco-innovation shall apply to an approval authority within the meaning of Directive 2007/46/EC for an EC type-approval certificate of the complete or incomplete vehicle fitted with the eco-innovation. The application for a certificate shall, in addition to the documents providing the necessary information specified in Article 6 of Directive 2007/46/EC, refer to the decision by the Commission to approve an eco-innovation in accordance with Article 10(2) of this Regulation.

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2. The certified CO_2 savings of the eco-innovation demonstrated in accordance with the corresponding decision to approve the innovative technology as an eco-innovation shall be specified separately in both the type-approval documentation and the certificate of conformity in accordance with Directive 2007/46/EC, on the basis of tests carried out by technical services in accordance with Article 11 of that Directive, using the approved testing methodology.

Subject to the requirements of the approval decision, the quantified uncertainty referred to in Article 8(2) shall be subtracted from the total savings to be certified. Where the CO_2 savings of an eco-innovation for a specific type, variant, version and, where appropriate, interpolation family are below the relevant threshold specified in Article 9(1), the savings shall not be certified.

In the case predefined CO_2 savings determined in accordance with Article 4(2)(ea) are specified in the approval decision, the relevant predefined CO_2 savings value may be entered directly into the type approval documentation, provided that the approval authority is in a position to confirm that the vehicle is fitted with the technology in accordance with the specifications of the approval decision.

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3. Where the vehicle is fitted with more than one eco-innovation, the CO_2 savings shall be demonstrated separately for each eco-innovation in accordance with the procedure set out in Article 8(1). The sum of the resulting savings determined in accordance with Article 8(2) for each eco-innovation shall provide the total CO_2 savings for the purposes of the certification of that vehicle.

4. Where interaction between several eco-innovations fitted to one vehicle cannot be ruled out because they are clearly of a different nature, the manufacturer shall indicate this in the application to the approval authority and shall provide a report from the independent and certified body on the impact of the interaction on the savings of the eco-innovations in the vehicle as referred to in Article 7(3).

Where, due to that interaction, the total savings are less than ►M1 0,5 g CO_2/km ◄ times the number of eco-innovations, only those eco-innovation savings that meet the threshold set out in Article 9(1) shall be taken into account for calculating the total savings in accordance with paragraph 3 of this Article.

Article 12

Review of certifications

1. The Commission shall ensure that the certifications and the CO_2 savings attributed to individual vehicles are verified on an ad hoc basis.

Where it finds that there is a difference between the certified CO_2 savings and the savings it has verified using the relevant testing methodology or methodologies, the Commission shall notify the manufacturer of its findings.

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The Commission may also, whenever it finds or is informed of deviations or inconsistences in the testing methodology or in the innovative technology in comparison to the information it had received as part of the application for the approval of the innovative technology as an eco-innovation, notify this to the manufacturer.

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The manufacturer may within 60 days of receipt of the notification provide the Commission with evidence demonstrating the accuracy of the certified CO_2 savings. At the request of the Commission the report on the interaction of different eco-innovations referred to in Article 7(3) shall be provided.

2. Where the evidence referred to in paragraph 1 is not provided within the indicated time period, or it finds that the evidence provided is not satisfactory, the Commission may decide not to take the certified CO_2 savings into account for the calculation of the average specific emissions of that manufacturer for the following calendar year.

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3. A manufacturer for which the certified CO_2 savings are no longer taken into account may apply for a new certification of the vehicles concerned in accordance with the procedure laid down in Article 11, or may, where appropriate, make a request for an amendment of the approval decision in accordance with Article 12a, which shall be supported by such evidence that is required to confirm the appropriateness of the testing methodology and the level of CO_2 savings achieved by the innovative technology.

Article 12a

Amendment of a decision to approve an innovative technology as an eco-innovation

1. A manufacturer or supplier, including the original applicant, may submit to the Commission a request for an existing approval decision to be amended. The request and all supporting documentation shall also be submitted by electronic mail or electronic data carrier or uploaded to a server managed by the Commission. The written request shall list the supporting documentation.

2. The following information and evidence shall be provided together with the request for amendment:

(a) contact details of the requester;

(b) the reference to the approval decision to be amended;

(c) a description of the amendments proposed including a summary of that description;

(d) evidence demonstrating the necessity and the appropriateness of the amendments;

(e) evidence demonstrating that emissions reduction achieved by the innovative technology as determined using the amended testing methodology or, where appropriate, the new or amended simplified evaluation method or predefined CO_2 savings, meets the relevant threshold specified in Article 9(1), taking into account any deterioration over time of the technology;

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(f) a specific validation report established by an independent and certified body that verifies the following:

— the amended testing methodology meets the requirements set out in Article 6(1) and, where applicable, the requirements set out in Article 4(2)(f)(iv),

— the emissions reduction achieved by the innovative technology as determined using the amended testing methodology or, where appropriate, the new or amended simplified evaluation method or predefined CO_2 savings, meets the relevant threshold specified in Article 9(1), taking into account any deterioration over time of the technology.

3. On receipt of the request for amendment, the Commission shall make public the summary description of the amendments proposed referred to in paragraph 2(c).

4. The Commission shall assess the request for amendment and, within 9 months from receipt of a complete request, it shall amend the approval decision, unless objections are raised in respect of the appropriateness of the proposed amendments.

The amended approval decision shall, where necessary, specify its applicability and the information required for the certification of the CO_2 savings in accordance with Article 11 of this Regulation, subject to the application of the exceptions to the right to public access to documents specified in Regulation (EC) No 1049/2001.

5. The Commission may require adjustments to the proposed amendments. The Commission shall in that case consult the requester as well as other relevant stakeholders, including the original applicant for the approval of the innovative technology as an eco-innovation, on the proposed amendments and, where appropriate, take account of the comments received.

6. The assessment period may be extended by 5 months where the Commission finds that, because of the complexity of the innovative technology and the accompanying amended testing methodology or because of the size and content of the request for amendment, the request cannot be appropriately assessed within the 9 months' assessment period.

The Commission shall within 40 days of receipt of the request notify the requester if the assessment period is to be extended.

7. The Commission may at any time amend an approval decision on its own initiative, in particular to take into account technical progress. The Commission shall consult the original applicant for approval of the innovative technology as an eco-innovation and other relevant stakeholders on the amendments it considers and, where appropriate, take account of the comments received.

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Article 13

Disclosure of information

An applicant requesting that information submitted under this Regulation be treated as confidential shall justify why any of the exceptions referred to in Article 4 of Regulation (EC) No 1049/2001 apply.

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Article 14

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.