
Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 692/2008, In-service conformity check. (See end of Document for details)

[^{F1}ANNEX II

IN-SERVICE CONFORMITY

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 566/2011 of 8 June 2011 amending Regulation (EC) No 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No 692/2008 as regards access to vehicle repair and maintenance information (Text with EEA relevance).

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Appendix 1

In-service conformity check

1. INTRODUCTION

1.1. This Appendix sets out the criteria referred to in Section 4 regarding the selection of vehicles for testing and the procedures for the in-service conformity control.

2. SELECTION CRITERIA

The criteria for acceptance of a selected vehicle are defined for tailpipe emissions in points 2.1 to 2.8 and for IUPR_M in Sections 2.1 to 2.5.

2.1. The vehicle shall belong to a vehicle type that is type-approved under this Regulation and covered by a certificate of conformity in accordance with Directive 2007/46/EC. For checking of IUPR_M, the vehicle shall be approved to the OBD standards Euro 5+, Euro 6- plus IUPR or later. It shall be registered and have been used in the Union.

2.2. The vehicle shall have been in service for at least 15 000 km or 6 months, whichever the later, and for no more than 100 000 km or 5 years, whichever the sooner.

2.2.1. For checking IUPR_M, the test sample shall include only vehicles that:

(a) have collected sufficient vehicle operation data for the monitor to be tested.

For monitors required to meet the in-use monitor performance ratio and to track and report ratio data pursuant to point 3.6.1 of Appendix 1 to Annex XI, sufficient vehicle operation data shall mean the denominator meets the criteria set forth below. The denominator, as defined in points 3.3 and 3.5 of Appendix 1 to Annex XI, for the monitor to be tested must have a value equal to or greater than one of the following values:

(i) 75 for evaporative system monitors, secondary air system monitors, and monitors utilising a denominator incremented in accordance with point 3.3.2 points (a), (b) or (c) of Appendix 1 to Annex XI (e.g. cold start monitors, air conditioning system monitors, etc.); or

(ii) 25 for particulate filter monitors and oxidation catalyst monitors utilising a denominator incremented in accordance with point 3.3.2(d) of Appendix 1 to Annex XI; or

(iii) 150 for catalyst, oxygen sensor, EGR, VVT, and all other component monitors;

(b) have not been tampered with or equipped with add-on or modified parts that would cause the OBD system not to comply with the requirements of Annex XI.

2.3. There shall be a maintenance record to show that the vehicle has been properly maintained (e.g. has been serviced in accordance with the manufacturer's recommendations).

2.4. The vehicle shall exhibit no indications of abuse (e. g. racing, overloading, mis-fuelling, or other misuse), or other factors (e. g. tampering) that could affect emission performance. The fault code and mileage information stored in the computer shall be taken into account. A vehicle shall not be selected for testing if the information stored in the computer shows that the vehicle has operated after a fault code was stored and a relatively prompt repair was not carried out.

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- 2.5. There shall have been no unauthorised major repair to the engine or major repair of the vehicle.
- 2.6. The lead content and sulphur content of a fuel sample from the vehicle tank shall meet the applicable standards laid down in Directive 98/70/EC of the European Parliament and of the Council⁽¹⁾ and there shall be no evidence of mis-fuelling. Checks may be done in the tailpipe.
- 2.7. There shall be no indication of any problem that might jeopardise the safety of laboratory personnel.
- 2.8. All anti-pollution system components on the vehicle shall be in conformity with the applicable type-approval.

3. DIAGNOSIS AND MAINTENANCE

Diagnosis and any normal maintenance necessary shall be performed on vehicles accepted for testing, prior to measuring exhaust emissions, in accordance with the procedure laid down in points 3.1 to 3.7.

- 3.1. The following checks shall be carried out: checks on air filter, all drive belts, all fluid levels, radiator cap, all vacuum hoses and electrical wiring related to the antipollution system for integrity; checks on ignition, fuel metering and pollution control device components for maladjustments and/or tampering. All discrepancies shall be recorded.
- 3.2. The OBD system shall be checked for proper functioning. Any malfunction indications in the OBD memory shall be recorded and the requisite repairs shall be carried out. If the OBD malfunction indicator registers a malfunction during a preconditioning cycle, the fault may be identified and repaired. The test may be rerun and the results of that repaired vehicle used.
- 3.3. The ignition system shall be checked and defective components replaced, for example spark plugs, cables, etc.
- 3.4. The compression shall be checked. If the result is unsatisfactory the vehicle shall be rejected.
- 3.5. The engine parameters shall be checked to the manufacturer's specifications and adjusted if necessary.
- 3.6. If the vehicle is within 800 km of a scheduled maintenance service, that service shall be performed according to the manufacturer's instructions. Regardless of odometer reading, the oil and air filter may be changed at the request of the manufacturer.
- 3.7. Upon acceptance of the vehicle, the fuel shall be replaced with appropriate emission test reference fuel, unless the manufacturer accepts the use of market fuel.

4. IN-SERVICE TESTING

- 4.1. When a check on vehicles is deemed necessary, emission tests in accordance with Annex III are performed on pre-conditioned vehicles selected in accordance with the requirements of Sections 2 and 3 of this Appendix. This test shall only include the measurement of particle number emissions for vehicles approved to the Euro 6 emission standards in categories W, X and Y as defined in Table 1 of Appendix 6 to Annex I. Pre-conditioning cycles additional to those specified in points 5.3 of Annex 4 to UN/ECE Regulation No 83 will only be allowed if they are representative of normal driving.

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- 4.2. Vehicles equipped with an OBD system may be checked for proper in-service functionality, of the malfunction indication, etc., in relation to levels of emissions (e.g. the malfunction indication limits defined in Annex XI) for the type-approved specifications.
- 4.3. The OBD system may be checked, for example, for levels of emissions above the applicable limit values with no malfunction indication, systematic erroneous activation of the malfunction indication and identified faulty or deteriorated components in the OBD system.
- 4.4. If a component or system operates in a manner not covered by the particulars in the type-approval certificate and/or information package for such vehicle types and such deviation has not been authorised under Article 13(1) or (2) of Directive 2007/46/EC, with no malfunction indication by the OBD, the component or system shall not be replaced prior to emission testing, unless it is determined that the component or system has been tampered with or abused in such a manner that the OBD does not detect the resulting malfunction.
5. EVALUATION OF EMISSION TEST RESULTS
- 5.1. The test results shall be submitted to the evaluation procedure in accordance with Appendix 2.
- 5.2. Test results shall not be multiplied by deterioration factors.
6. PLAN OF REMEDIAL MEASURES
- 6.1. The approval authority shall request the manufacturer to submit a plan of remedial measures to remedy the non-compliance when:
- 6.1.1. For tailpipe emissions, more than one vehicle is found to be an outlying emitter that meets either of the following conditions:
- (a) the conditions set out in point 3.2.3 of Appendix 4 to UN/ECE Regulation No 83 and where both the approval authority and the manufacturer agree that the excess emission is due to the same cause; or
 - (b) the conditions set out in point 3.2.4 of Appendix 4 to UN/ECE Regulation No 83 where the approval authority has determined that the excess emission is due to the same cause.
- 6.1.2. For $IUPR_M$ of a particular monitor M the following statistical conditions are met in a test sample, the size of which is determined according to point 3.5 of this Annex:
- (a) For vehicles certified to a ratio of 0,1 in accordance with point 3.1.5 of Appendix 1 to Annex XI, the data collected from the vehicles indicate for at least one monitor M in the test sample either that the test sample average in-use-performance ratio is less than 0,1 or that 66 % or more of the vehicles in the test sample have an in-use monitor performance ratio of less than 0,1.
 - (b) For vehicles certified to the full ratios in accordance with point 3.1.4 of Appendix 1 to Annex XI, the data collected from the vehicles indicate for at least one monitor M in the test sample either that the test sample average in-use performance ratio in the test sample is less than the value $Test_{min}(M)$ or that 66 % or more of the vehicles in the test sample have an in-use performance ratio of less than $Test_{min}(M)$.

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The value of $\text{Test}_{\min}(\text{M})$ shall be:

- (i) 0,230 if the monitor M is required to have an in-use ratio of 0,26;
 - (ii) 0,460 if the monitor M is required to have an in-use ratio of 0,52;
 - (iii) 0,297 if the monitor M is required to have an in-use ratio of 0,336;
- according to point 3.1.4 of Appendix 1 to Annex XI.

- 6.2. The plan of remedial measures shall be filed with the type-approval authority not later than 60 working days from the date of the notification referred to in point 6.1. The type-approval authority shall within 30 working days declare its approval or disapproval of the plan of remedial measures. However, where the manufacturer can demonstrate, to the satisfaction of the competent approval authority, that further time is required to investigate the non-compliance in order to submit a plan of remedial measures, an extension shall be granted.
- 6.3. The remedial measures shall apply to all vehicles likely to be affected by the same defect. The need to amend the type-approval documents shall be assessed.
- 6.4. The manufacturer shall provide a copy of all communications related to the plan of remedial measures, and shall also maintain a record of the recall campaign, and supply regular status reports to the approval authority.
- 6.5. The plan of remedial measures shall include the requirements specified in points 6.5.1 to 6.5.11. The manufacturer shall assign a unique identifying name or number to the plan of remedial measures.
 - 6.5.1. A description of each vehicle type included in the plan of remedial measures.
 - 6.5.2. A description of the specific modifications, alterations, repairs, corrections, adjustments or other changes to be made to bring the vehicles into conformity including a brief summary of the data and technical studies which support the decision of the manufacturer as to the particular measures to be taken to correct the non-conformity.
 - 6.5.3. A description of the method by which the manufacturer informs the vehicle owners.
 - 6.5.4. A description of the proper maintenance or use, if any, which the manufacturer stipulates as a condition of eligibility for repair under the plan of remedial measures, and an explanation of the reasons why the manufacturer imposes any such condition. No maintenance or use conditions may be imposed unless it is demonstrably related to the non-conformity and the remedial measures.
 - 6.5.5. A description of the procedure to be followed by vehicle owners to obtain correction of the non-conformity. This description shall include a date after which the remedial measures may be taken, the estimated time for the workshop to perform the repairs and where they can be done. The repair shall be done expediently, within a reasonable time after delivery of the vehicle.
 - 6.5.6. A copy of the information transmitted to the vehicle owner.
 - 6.5.7. A brief description of the system which the manufacturer uses to assure an adequate supply of component or systems for fulfilling the remedial action. It shall be indicated when there will be an adequate supply of components or systems to initiate the campaign.

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- 6.5.8. A copy of all instructions to be sent to those persons who are to perform the repair.
- 6.5.9. A description of the impact of the proposed remedial measures on the emissions, fuel consumption, driveability, and safety of each vehicle type, covered by the plan of remedial measures with data and technical studies which support these conclusions.
- 6.5.10. Any other information, reports or data the type-approval authority may reasonably determine is necessary to evaluate the plan of remedial measures.
- 6.5.11. Where the plan of remedial measures includes a recall, a description of the method for recording the repair shall be submitted to the type-approval authority. If a label is used, an example of it shall be submitted.
- 6.6. The manufacturer may be required to conduct reasonably designed and necessary tests on components and vehicles incorporating a proposed change, repair, or modification to demonstrate the effectiveness of the change, repair, or modification.
- 6.7. The manufacturer is responsible for keeping a record of every vehicle recalled and repaired and the workshop which performed the repair. The type-approval authority shall have access to the record on request for a period of 5 years from the implementation of the plan of remedial measures.
- 6.8. The repair and modification or addition of new equipment shall be recorded in a certificate supplied by the manufacturer to the vehicle owner.]

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(1) [^{F1}OJ L 350, 28.12.1998, p. 58.]

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