

Commission Implementing Regulation (EU) 2017/1153 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure and amending Regulation (EU) No 1014/2010 (Text with EEA relevance)

Article 1

Subject matter

This Regulation provides for:

- (a) a methodology for the correlation of the CO₂ emissions measured in accordance with Annex XXI to Regulation (EU) 2017/1151 with those determined in accordance with Annex XII to Regulation (EC) No 692/2008;
- (b) a procedure for applying the methodology referred to in point (a) for the purpose of determining each manufacturer's average specific emissions of CO₂;
- (c) the amendments to Regulation (EU) No 1014/2010 required for the purpose of adapting the monitoring of CO₂ emissions data to reflect the change in emission values.

Article 2

Definitions

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

- (1) 'NEDC CO₂ values' means the CO₂ emissions determined in accordance with Annex I and entered into the certificates of conformity;
- (2) 'Measured NEDC CO₂ values' means the CO₂ emissions (phases and combined) determined in accordance with Annex XII to Regulation (EC) No 692/2008 by way of physical vehicle tests;
- (3) 'WLTP CO₂ values' means the CO₂ emissions (combined) determined in accordance with the test procedure set out in Annex XXI to Regulation (EU) 2017/1151;
- (4) 'WLTP interpolation family' means the interpolation family as determined in accordance with point 5.6 of Annex XXI to Regulation (EU) 2017/1151;
- (5) 'Correlation tool' means the simulation model referred to in point 2 of Annex I.

Article 3

Determination of average specific emissions of CO₂ for target compliance purpose in the period 2017 to 2020

1 For the calendar years 2017 to 2020 inclusive, the average specific emissions of a manufacturer shall be determined using the following CO₂ mass emissions (combined) values:

- a with regard to M1 passenger cars type-approved in accordance with Annex XXI to Regulation (EU) 2017/1151, the NEDC CO₂ values;

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- b with regard to existing types of M1 passenger cars that have been type-approved in accordance with Annex XII to Regulation (EC) No 692/2008, the measured NEDC CO₂ values for the calendar year 2017 until 31 August 2018 and the NEDC CO₂ values from 1 September 2018 to 31 December 2020;
- c with regard to end-of-series vehicles referred to in Article 27 of Directive 2007/46/EC of the European Parliament and of the Council⁽¹⁾, the measured NEDC CO₂ values.

2 Manufacturers responsible for more than 1 000 but fewer than 10 000 new passenger cars registered in the Union in each of the calendar years 2017 to 2020 inclusive may use either the NEDC CO₂ values or the measured NEDC CO₂ values.

Article 4

Determination of average specific emissions based on WLTP CO₂ values

1 The WLTP CO₂ emissions (combined) or, where applicable, (weighted combined) specified in entry 49.4 of the certificate of conformity shall be monitored for all new registered vehicles starting from 1 January 2018.

2 For each manufacturer, the average specific emissions based on WLTP CO₂ values shall be determined starting from 1 January 2018.

With effect from 1 January 2021, those average specific emissions shall be used to determine the manufacturer's compliance with its specific emission target.

Article 5

Application of Article 5a of Regulation (EC) No 443/2009 — super-credits

Where the measured NEDC CO₂ value of a new passenger car is less than 50 g CO₂/km, the manufacturer shall, for the purpose of the application of Article 5a of Regulation (EC) No 443/2009, record that value in the certificate of conformity of the vehicles concerned until 31 December 2022.

With effect from 1 January 2021:

- (a) the specific emissions of those vehicles shall be calculated in accordance with Article 5a of that Regulation, using the WLTP CO₂ values of those vehicles;
- (b) the 7,5 g CO₂/km cap provided for in Article 5a of that Regulation shall be taken into account as follows:

$$Cap_{n,r} = \left(\frac{7,5 - SC_{n2020}}{7,5} \right)$$

$$Cap_w = Cap_{n,r} \cdot \left(\frac{SC_{w2020} \times 7,5}{SC_{n2020}} \right)$$

Where:

Cap _{n,r}	is the proportion of the remaining cap on NEDC in 2020;
SC _{n2020}	is the super-credit savings on NEDC in 2020;
SC _{w2020}	is the super-credit savings on WLTP in 2020;

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Cap_w is the remaining super-credit savings cap to be taken into account for the calculation of the average specific emissions in 2021 and 2022.

Article 6

Application of Article 12 of Regulation (EC) No 443/2009 — eco-innovations

1 With effect from 1 January 2021, only CO₂ savings due to eco-innovations, within the meaning of Article 12 of Regulation (EC) No 443/2009, that are not covered by the test procedure set out in Annex XXI to Regulation (EU) 2017/1151, shall be taken into account for the calculation of the average specific emissions of a manufacturer.

2 A manufacturer's total eco-innovation CO₂ savings in the following calendar years shall be adjusted as follows:

- (a) in 2021 : EI savings_{adjusted 2021} = WLTP_{EI savings 2021} · 1,9
(b) in 2022 : EI savings_{adjusted 2022} = WLTP_{EI savings 2022} · 1,7
(c) in 2023 : EI savings_{adjusted 2023} = WLTP_{EI savings 2023} · 1,5

Where:

EI savings_{adjusted 20xx} are the eco-innovation savings in the relevant year to be taken into account for the calculation of the average specific emissions;

WLTP_{EI savings 20xx} are the eco-innovation savings in the relevant year determined in relation to the WLTP and recorded in the certificate of conformity.

From calendar year 2024 eco-innovation savings shall be taken into account for the calculation of the specific average emissions without adjustment.

Article 7

Determination and correction of NEDC CO₂ values for the calculation of the specific average emissions

1 Starting from the calendar year 2017 until 2020 inclusive, the average specific CO₂ emissions of a manufacturer shall be calculated using the NEDC CO₂ values determined in accordance with the procedure laid down in Section 4 of Annex I, unless paragraph (1)(b) or (c) or paragraph (2) of Article 3 applies.

2 Where for a WLTP interpolation family the deviation factor De_i , determined in accordance with point 3.2.8 of Annex I, exceeds the value 0,04, or in the presence of a verification factor '1' as determined in that point, the average specific NEDC CO₂ emissions of the manufacturer responsible for that interpolation family shall be multiplied by the following correction factor:

$$\text{correction factor} = 1 + \frac{\sum_{i=1}^{r_i} De_i \cdot r_i}{\sum_{i=1}^{r_i} \delta_{3,i} \cdot r_i}$$

Where:

De_i is the value determined in accordance with point 3.2.8 of Annex I;
 r_i is the number of annual registrations of vehicles belonging to the respective WLTP interpolation family i concerned;
 $\delta_{3,i}$ is equal to 0 if De_i is missing and equal to 1 otherwise;

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N is the number of WLTP interpolation families for which a manufacturer is responsible.

[^{F1}Article 7a

Reporting of WLTP measurement results

1 ^{[^{F2}}Manufacturers shall calculate the combined or, where applicable, weighted combined CO₂ emissions, determined as $M_{CO_2,measured}$, for each new passenger car registered in 2020 in accordance with the following equations:

a For pure internal combustion engine vehicles:

the equation for calculating M_{CO_2-ind} set out in the second subparagraph of paragraph 3.2.3.2.4 of Sub-Annex 7 to Annex XXI to Regulation (EU) 2017/1151, where the terms M_{CO_2-H} and M_{CO_2-L} shall, for the interpolation family concerned, be replaced by the values $M_{CO_2,C,5}$ (combined) taken from the entries 2.5.1.1.3 (vehicle H) and 2.5.1.2.3 (vehicle L) of the EC type-approval certificate, as indicated in the model set out in Appendix 4 to Annex I to Regulation (EU) 2017/1151;

b For Not-Off-Vehicle Charging Hybrid Electric Vehicles (NOVC-HEV):

the equation: $M_{CO_2-measured} = M_{CO_2-L,C,5} + K_{ind} \times (M_{CO_2-H,C,5} - M_{CO_2-L,C,5})$

Where,

$M_{CO_2-L,C,5}$	is the value $M_{CO_2,C,5}$ (combined) for the interpolation family concerned, taken from entry 2.5.1.2.3 of the EC type-approval certificate as indicated in the model set out in Appendix 4 to Annex I to Regulation (EU) 2017/1151;
K_{ind}	is the interpolation coefficient for the considered individual vehicle for the applicable WLTP test cycle as specified in paragraph 4.5.3 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151;
$M_{CO_2-H,C,5}$	is the value $M_{CO_2,C,5}$ (combined) for the interpolation family concerned, taken from entry 2.5.1.1.3 of the EC type-approval certificate as indicated in the model set out in Appendix 4 to Annex I to Regulation (EU) 2017/1151.

c For Off-Vehicle Charging Hybrid Electric Vehicles (OVC-HEV):

the equation: $M_{CO_2-measured} = M_{CO_2-L,C,5} + K_{ind} \times (M_{CO_2-H,C,5} - M_{CO_2-L,C,5})$

Where,

$M_{CO_2-L,C,5}$ $M_{CO_2-H,C,5}$	are, for the interpolation family concerned, determined in accordance with the formula set out in paragraph 4.1.3.1 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151, where the term $M_{i,CDj}$ shall be replaced by the value $M_{CO_2,CD}$ (combined) taken from the entry 2.5.3.2 for vehicle H and L, as applicable, of the EC type-approval certificate, and the term $M_{i,CS}$ shall be replaced by the value $M_{CO_2,C,5}$ (combined) taken from entry 2.5.3.1. of the EC type-approval certificate for vehicle H, L, or M, as applicable;
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K_{ind} is the interpolation coefficient for the considered individual vehicle for the applicable WLTP test cycle as defined in paragraph 4.5.3 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151.]

Where the combined CO₂ emissions of the individual vehicle are determined by reference to vehicle H only, the manufacturers shall provide the $M_{CO_2,C,5}$ value taken from the entry 2.5.1.1.3 (vehicle H) of the EC type approval certificate.

The manufacturers shall submit those CO₂ emission values, together with the $M_{CO_2,C,5}$ values used for the calculation, to the Commission at the latest three months following receipt of the notification by the Commission of the provisional data for 2020 by uploading that data on the manufacturer's account in the Business Data Repository of the European Environment Agency.

[Where more than one measurement value is recorded in entries 2.5.1.1.3., 2.5.1.2.3., 2.5.3.1 or 2.5.3.2. of an EC type-approval certificate, the $M_{CO_2,C,5}$ or $M_{CO_2,CD}$ values referred to in paragraph 1 shall, for the purpose of this provision, be determined as follows:

- a in the case of one measurement: the combined value recorded for Test 1;
- b in the case of two measurements: the average of the two combined values recorded for Tests 1 and 2;
- c in the case of three measurements: the average of the three combined values recorded for Tests 1, 2 and 3.]

2 Where the data referred to in paragraph 1 is not submitted within the deadline indicated, the Commission shall take the value recorded in entry 2.5.1.2.3. of the EC type-approval certificate and consider that value as the combined CO₂ emissions for the purposes of paragraph 1 for all new registered vehicles in the interpolation family for which the type approval certificate was issued, and, where applicable, the value indicated in entry 2.5.1.1.3 for those families where only vehicle H measurements are available.

3 The Commission shall monitor the number of interpolation families for which the CO₂ emissions are determined by reference to vehicle H only for each manufacturer, and shall, in the case of an increase in the number of such families as compared to the situation in 2018, assess the impact of that increase on the calculation referred to in paragraph 1, and where appropriate, exclude those families from that calculation.]

Textual Amendments

- F1** Inserted by [Commission Implementing Regulation \(EU\) 2018/2043 of 18 December 2018 amending Implementing Regulation \(EU\) 2017/1153 to clarify the WLTP test conditions and provide for the monitoring of type approval data \(Text with EEA relevance\).](#)
- F2** Substituted by [Commission Implementing Regulation \(EU\) 2019/1840 of 31 October 2019 amending Implementing Regulation \(EU\) 2017/1153 as regards the reporting of WLTP CO₂ values for certain categories of new passenger cars and adjusting the input data for the correlation tool \(Text with EEA relevance\).](#)
- F3** Inserted by [Commission Implementing Regulation \(EU\) 2019/1840 of 31 October 2019 amending Implementing Regulation \(EU\) 2017/1153 as regards the reporting of WLTP CO₂ values for certain categories of new passenger cars and adjusting the input data for the correlation tool \(Text with EEA relevance\).](#)

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Article 8

Amendments to Regulation (EU) No 1014/2010

Regulation (EU) No 1014/2010 is amended as follows:

- (1) Article 5 is amended as follows:
 - (a) point (b) is replaced by the following:
 - (b) for each vehicle, the deviation factor (De) and the verification factor determined in accordance with point 3.2.8 of Annex I to Commission Implementing Regulation (EU) 2017/1153⁽²⁾
 - (b) the following third paragraph is added:

‘Notwithstanding the detailed data parameters referred to in Annex II to Regulation (EC) No 443/2009, a Member State shall, with regard to the data monitored until 31 December 2017, in addition to the already required parameters, report only the deviation factor “De” and the verification factor. From 1 January 2018 all detailed monitoring data specified in Annex II shall be monitored and reported.’;
- (2) Article 6 is deleted;
- (3) the following Article 9a is inserted:

Article 9a

Preparation of the provisional dataset

- 1 The provisional dataset to be notified to a manufacturer in accordance with the second subparagraph of Article 8(4) of Regulation (EC) No 443/2009 shall include the records which, on the basis of the manufacturer’s name and, from 1 January 2018, the vehicle identification number, can be attributed to that manufacturer.

The central register referred to in the first subparagraph of Article 8(4) of Regulation (EC) No 443/2009 shall not include any data on vehicle identification numbers.
- 2 The processing of the vehicle identification numbers shall not include the processing of any personal data that could be linked to those numbers or any other data that could permit the linking of vehicle identification numbers with personal data.;
- (4) Annex I is replaced by the text in Annex II to this Regulation.

Article 9

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.

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- (1) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles ([OJ L 263, 9.10.2007, p. 1](#)).
- (2) Commission Implementing Regulation (EU) 2017/1153 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure and amending Regulation (EU) No 1014/2010 ([OJ L 175, 7.7.2017, p. 679](#));

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Changes and effects yet to be applied to :

- Regulation revoked by [S.I. 2023/1394 art. 115](#)
- Annex 1 point 2.1.2 omitted by [S.I. 2020/1418 reg. 5\(6\)\(c\)](#)
- Annex 1 point 3.1.1.2 word omitted by [S.I. 2020/1418 reg. 5\(6\)\(g\)\(ii\)\(bb\)](#)
- Annex 1 point 2.1.4 word substituted by [S.I. 2020/1418 reg. 5\(6\)\(e\)](#)
- Annex 1 point 2.2b words inserted by [S.I. 2020/1418 reg. 5\(6\)\(f\)\(i\)](#)
- Annex 1 point 3.1.1.2 words inserted by [S.I. 2020/1418 reg. 5\(6\)\(g\)\(i\)\(aa\)](#)
- Annex 1 point 3.1.1.2 words inserted by [S.I. 2020/1418 reg. 5\(6\)\(g\)\(ii\)\(aa\)](#)
- Annex 1 point 2.1.1 words omitted by [S.I. 2020/1418 reg. 5\(6\)\(b\)](#)
- Annex 1 point 3.1.1.2 words omitted by [S.I. 2020/1418 reg. 5\(6\)\(g\)\(i\)\(cc\)](#)
- Annex 1 point 2.1 words substituted by [S.I. 2020/1418 reg. 5\(6\)\(a\)](#)
- Annex 1 point 2.1.3 words substituted by [S.I. 2020/1418 reg. 5\(6\)\(d\)](#)
- Annex 1 point 2.2b words substituted by [S.I. 2020/1418 reg. 5\(6\)\(f\)\(ii\)](#)
- Annex 1 point 3.1.1.2 words substituted by [S.I. 2020/1418 reg. 5\(6\)\(g\)\(i\)\(bb\)](#)
- Art. 3(2) words substituted by [S.I. 2020/1418 reg. 5\(2\)](#)
- Art. 7a(2) words substituted by [S.I. 2020/1418 reg. 5\(4\)\(b\)](#)
- Art. 7a(3) words substituted by [S.I. 2020/1418 reg. 5\(4\)\(c\)](#)
- Art. 9 omitted by [S.I. 2020/1418 reg. 5\(5\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 2(a)(b) and words inserted by [S.I. 2022/1361 reg. 11\(2\)](#)
- Art. 5(b) word substituted by [S.I. 2020/1418 reg. 5\(3\)\(a\)](#)
- Art. 5(b) word substituted by [S.I. 2020/1418 reg. 5\(3\)\(b\)](#)
- Art. 7a(1)(c) words omitted by [S.I. 2020/1418 reg. 5\(4\)\(a\)\(ii\)](#)
- Art. 7a(1)(c) words substituted by [S.I. 2020/1418 reg. 5\(4\)\(a\)\(i\)](#)