

Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters (Text with EEA relevance)

Article 1

Aim and subject matter

1 The aim of this Regulation is to increase the safety, and the economic and environmental efficiency of road transport by promoting fuel-efficient and safe tyres with low noise levels.

2 This Regulation establishes a framework for the provision of harmonised information on tyre parameters through labelling, allowing end-users to make an informed choice when purchasing tyres.

Article 2

Scope

1 This Regulation shall apply to C1, C2 and C3 tyres.

2 This Regulation shall not apply to:

- a re-treaded tyres;
- b off-road professional tyres;
- c tyres designed to be fitted only to vehicles registered for the first time before 1 October 1990;
- d T-type temporary-use spare tyres;
- e tyres whose speed rating is less than 80 km/h;
- f tyres whose nominal rim diameter does not exceed 254 mm or is 635 mm or more;
- g tyres fitted with additional devices to improve traction properties, such as studded tyres;
- h tyres designed only to be fitted on vehicles intended exclusively for racing.

Article 3

Definitions

For the purpose of this Regulation:

1. ‘C1, C2 and C3 tyres’ means the tyre classes defined in Article 8 of Regulation (EC) No 661/2009;
2. ‘T-type temporary-use spare tyre’ means a temporary-use spare tyre designed for use at inflation pressures higher than those established for standard and reinforced tyres;
3. ‘point of sale’ means a location where tyres are displayed or stored and offered for sale to end-users, including car show rooms in relation to tyres offered for sale to end-users which are not fitted on the vehicles;

4. 'technical promotional material' means technical manuals, brochures, leaflets and catalogues (whether these appear in printed, electronic or online form), as well as websites, the purpose of which is to market tyres to end-users or distributors and that describe the specific technical parameters of a tyre;
5. 'technical documentation' means information relating to tyres, including the manufacturer and brand of the tyre; description of the tyre type or the grouping of tyres determined for the declaration of the fuel efficiency class, wet grip class and external rolling noise class and measured value; test reports and testing accuracy;
6. 'manufacturer' means any natural or legal person who manufactures a product, or has a product designed or manufactured and markets that product under his name or trademark;
7. 'importer' means any natural or legal person established within the Community who places a product from a third country on the Community market;
8. 'authorised representative' means any natural or legal person established within the Community who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks with regard to the latter's obligations under this Regulation;
9. 'supplier' means the manufacturer or its authorised representative in the Community or the importer;
10. 'distributor' means any natural or legal person in the supply chain, other than the supplier or the importer, who makes a tyre available on the market;
11. 'making available on the market' means any supply of a product for distribution or use on the Community market in the course of a commercial activity, whether in return for payment or free of charge;
12. 'end-user' means a consumer, as well as a fleet manager or road transport undertaking, that buys or is expected to buy a tyre;
13. 'essential parameter' means a tyre parameter such as rolling resistance, wet grip or external rolling noise that has a notable impact on the environment, road safety or health during use.

Article 4

Responsibilities of tyre suppliers

- 1 Suppliers shall ensure that C1 and C2 tyres, which are delivered to distributors or end-users, are:
 - a equipped with a sticker on the tyre tread displaying a label indicating the fuel efficiency class as set out in Annex I, Part A, the external rolling noise class and measured value as set out in Annex I, Part C and, where applicable, the wet grip class as set out in Annex I, Part B,
 - or
 - b for each batch of one or more identical tyres delivered, accompanied by a label in printed format indicating the fuel efficiency class as set out in Annex I, Part A, the external rolling noise class and measured value as set out in Annex I, Part C and, where applicable, the wet grip class as set out in Annex I, Part B.

2 The format of the sticker and the label referred to in paragraph 1 shall be as prescribed in Annex II.

3 Suppliers shall state the fuel efficiency class, the external rolling noise class and measured value and, where applicable, the wet grip class, of C1, C2 and C3 tyres in technical promotional material, including on their websites, as set out in Annex I, in the order specified in Annex III.

4 Suppliers shall make technical documentation available to the authorities of Member States on request, for a period ending five years after the last tyre of a given tyre type has been made available on the market. The technical documentation shall be sufficiently detailed as to allow the authorities to verify the accuracy of information provided on the label with regard to fuel efficiency, wet grip and external rolling noise.

Article 5

Responsibilities of tyre distributors

- 1 Distributors shall ensure that:
 - a tyres, at the point of sale, bear the sticker provided by suppliers in accordance with Article 4(1)(a) in a clearly visible position,
 - or
 - b before the sale of the tyre, the label referred to in Article 4(1)(b) is shown to the end-user and is clearly displayed in the immediate proximity of the tyre at the point of sale.
- 2 Where tyres offered for sale are not visible to the end-user, distributors shall provide end-users with information on the fuel efficiency class, wet grip class and external rolling noise class and measured value of those tyres.
- 3 For C1, C2 and C3 tyres, distributors shall state the fuel efficiency class, the external rolling noise measured value and, where applicable, the wet grip class, as set out in Annex I, on or with the bills delivered to end-users when they purchase tyres.

Article 6

Responsibilities of vehicle suppliers and vehicle distributors

Where end users are offered a choice at the point of sale between different tyres to be fitted on a new vehicle which they are intending to acquire, vehicle suppliers and distributors shall, before the sale, provide them with information, for each of the tyres offered, on the fuel efficiency class, the external rolling noise class and measured value, and, where applicable, the wet grip class of C1, C2 and C3 tyres, as set out in Annex I and in the order specified in Annex III. That information shall be included at least in the technical promotional material.

Article 7

Harmonised testing methods

The information to be provided under Articles 4, 5 and 6 on the fuel efficiency class, the external rolling noise class and measured value, and the wet grip class of tyres shall be obtained by applying the harmonised testing methods referred to in Annex I.

Article 8

Verification procedure

Member States shall assess the conformity of the declared fuel efficiency and wet grip classes, within the meaning of Annex I, Parts A and B, and the declared external rolling noise class and measured value within the meaning of Annex I, Part C, in accordance with the procedure set out in Annex IV.

Article 9

Internal market

1 Where the requirements of this Regulation are complied with, Member States shall neither prohibit nor restrict the making available on the market of the tyres referred to in Article 2 on grounds of product information.

2 Unless they have evidence to the contrary, Member States shall consider that labels and product information comply with this Regulation. They may require suppliers to provide technical documentation, in accordance with Article 4(4), in order to assess the accuracy of the declared values and classes.

Article 10

Incentives

Member States shall not provide incentives with regard to tyres below class C with respect to either fuel efficiency or wet grip within the meaning of Annex I, Parts A and B respectively. Taxation and fiscal measures do not constitute incentives for the purpose of this Regulation.

Article 11

Amendments and adaptations to technical progress

The following measures, designed to amend non-essential elements of this Regulation, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(2):

- (a) introduction of information requirements with respect to wet grip grading of C2 and C3 tyres, provided that suitable harmonised testing methods are available;
- (b) adaptation, where relevant, of grip grading to the technical specificities of tyres primarily designed to perform better in ice and/or snow conditions than a normal tyre with regard to their ability to initiate, maintain, or stop vehicle motion;
- (c) adaptation of Annexes I to IV to technical progress.

Article 12

Enforcement

In accordance with Regulation (EC) No 765/2008 Member States shall ensure that the authorities responsible for market surveillance verify compliance with Articles 4, 5 and 6 of this Regulation.

Article 13

Committee procedure

- 1 The Commission shall be assisted by a committee.
- 2 Where reference is made to this paragraph, Articles 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 14

Review

- 1 The Commission shall assess the need to review this Regulation, taking into account, inter alia:
 - a the effectiveness of the label in terms of end-user awareness, in particular whether the provisions of Article 4(1)(b) are as effective as those of Article 4(1)(a) in contributing to the objectives of this Regulation;
 - b whether the labelling scheme should be extended to include retreaded tyres;
 - c whether new tyre parameters, such as mileage, should be introduced;
 - d the information on tyre parameters provided by vehicle suppliers and distributors to end-users.
- 2 The Commission shall present the result of this assessment to the European Parliament and the Council no later than 1 March 2016, and, if appropriate, submit proposals to the European Parliament and to the Council.

Article 15

Transitional provision

Articles 4 and 5 shall not apply to tyres produced before 1 July 2012.

Article 16

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall apply from 1 November 2012.

Status: This is the original version (as it was originally adopted).

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

Done at Strasbourg, 25 November 2009.

For the European Parliament

The President

J. BUZEK

For the Council

The President

Å. TORSTENSSON