

Commission Regulation (EU) No 64/2012 of 23 January 2012 amending Regulation (EU) No 582/2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) (Text with EEA relevance)

COMMISSION REGULATION (EU) No 64/2012

of 23 January 2012

amending Regulation (EU) No 582/2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC⁽¹⁾, and in particular Article 4(3), Article 5(4), Article 6(2) and Article 12 thereof,

Having regard to 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 (Framework Directive)⁽²⁾, and in particular Article 39(7) thereof,

Whereas:

- (1) Regulation (EC) No 595/2009 establishes common technical requirements for the type-approval of motor vehicles and replacement parts with regard to their emissions and lays down rules for in-service conformity, durability of pollution control devices, on-board diagnostic (OBD) systems, measurement of fuel consumption and accessibility of vehicle repair and maintenance information.
- (2) In accordance with Article 3(15) of Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council⁽³⁾, vehicles and engines are to be type-approved in accordance with Regulation (EC) No 595/2009 and its implementing measures only once measurement procedures for measuring PM number as set out in Annex I to Regulation (EC) No 595/2009, any specific provisions regarding multi-setting engines that are needed and provisions implementing Article 6 of Regulation (EC) No 595/2009

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 64/2012, Introductory Text. (See end of Document for details)

have been adopted. Therefore, it is appropriate to amend Regulation (EU) No 582/2011 in order to include such requirements.

- (3) In accordance with Article 6 of Regulation (EC) No 595/2009, Articles 6 and 7 of Regulation (EC) No 715/2007 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⁽⁴⁾ shall apply *mutatis mutandis*. Therefore, it is appropriate to carry over to this Regulation the provisions on access to repair and maintenance information set out in Regulation (EC) No 715/2007 and its implementing measures. However, it is necessary to adapt those provisions in order to take into account the specificities of the heavy-duty vehicles.
- (4) In particular, it is appropriate to adopt specific procedures for access to vehicle repair and maintenance information in accordance with Article 6(1) of Regulation (EC) No 595/2009 in the case of multi-stage type-approval. It is also appropriate to adopt specific requirements and procedures for access to vehicle repair and maintenance information in the case of customer adaptations and small volume production. Finally, it is appropriate to make reference to the specific standards for reprogramming developed for the heavy-duty vehicles.
- (5) Application of the provisions on access to repair and maintenance information may be too burdensome for vehicle manufacturers in the short term with respect to certain systems which are carried over from old vehicle types to new vehicle types. It is therefore appropriate to introduce certain limited derogations from the general provisions on access to vehicle OBD and vehicle repair and maintenance information.
- (6) Provisions on the access to OBD and vehicle repair and maintenance information for the purposes of the design and manufacture of automotive equipment for alternative fuel vehicles should be set once type-approval for such equipment becomes possible.
- (7) In accordance with Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community⁽⁵⁾, speed limitation devices are to be installed by workshops or bodies approved by the Member States. In accordance with Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport⁽⁶⁾, only approved workshops may calibrate recording equipment in motor vehicles. It is therefore appropriate to exclude the information concerning the reprogramming of control units for speed limitation devices and recording equipment from the provisions on giving access to repair and maintenance information.
- (8) Regulation (EU) No 582/2011 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

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- (1) OJ L 188, 18.7.2009, p. 1.
- (2) OJ L 263, 9.10.2007, p. 1.
- (3) OJ L 167, 25.6.2011, p. 1.
- (4) OJ L 171, 29.6.2007, p. 1.
- (5) OJ L 57, 2.3.1992, p. 27.
- (6) OJ L 370, 31.12.1985, p. 8.

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