

Commission Regulation (EU) 2017/2400 of 12 December 2017 implementing Regulation (EC) No 595/2009 of the European Parliament and of the Council as regards the determination of the CO<sub>2</sub> emissions and fuel consumption of heavy-duty vehicles and amending Directive 2007/46/EC of the European Parliament and of the Council and Commission Regulation (EU) No 582/2011 (Text with EEA relevance)

## CHAPTER 3

### **OPERATION OF THE SIMULATION TOOL WITH A VIEW TO DETERMINING THE CO<sub>2</sub> EMISSIONS AND FUEL CONSUMPTION FOR THE PURPOSES OF REGISTRATION, SALE AND ENTRY INTO SERVICE OF NEW VEHICLES**

#### *Article 9*

#### **Obligation to determine and declare CO<sub>2</sub> emissions and fuel consumption of new vehicles**

1 A vehicle manufacturer shall determine the CO<sub>2</sub> emissions and fuel consumption of each new vehicle to be sold, registered or put into service in the Union using the latest available version of the simulation tool referred to in Articles 5(3).

A vehicle manufacturer may operate the simulation tool for the purposes of this Article only if in possession of a licence granted for the vehicle group concerned in accordance with Article 7 or extended to the vehicle group concerned in accordance with Article 8(1).

2 The vehicle manufacturer shall record the results of the simulation performed in accordance with the first subparagraph of paragraph 1 in the manufacturer's records file drawn up in accordance with the model set out in Part I of Annex IV.

With the exception of the cases referred to in the second subparagraph of Article 21(3), and in Article 23(6), any subsequent changes to the manufacturer's records file shall be prohibited.

3 The manufacturer shall create a cryptographic hash of the manufacturer's records file using the hashing tool referred to in Article 5(5).

4 Each vehicle to be registered, sold or to enter into service shall be accompanied by the customer information file drawn up by the manufacturer in accordance with the model set out in Part II to Annex IV.

Each customer information file shall include an imprint of the cryptographic hash of the manufacturer's records file referred to in paragraph 3.

5 Each vehicle to be registered, sold or to enter into service shall be accompanied by a certificate of conformity including an imprint of the cryptographic hash of the manufacturer's records file referred to in paragraph 3.

The first subparagraph shall not apply in the case of vehicles approved in accordance with Article 24 of Directive 2007/46/EC.

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*Status: This is the original version as it was originally adopted in the EU. This legislation may since have been updated - see the latest available (revised) version*

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### *Article 10*

#### **Modifications, updates and malfunction of the electronic tools**

1 In the case of modifications or updates to the simulation tool, the vehicle manufacturer shall start using the modified or updated simulation tool no later than 3 months after the modifications and updates were made available on the dedicated electronic distribution platform.

2 If the CO<sub>2</sub> emissions and fuel consumption of new vehicles cannot be determined in accordance with Article 9(1) due to a malfunction of the simulation tool, the vehicle manufacturer shall notify the Commission thereof without delay by means of the dedicated electronic distribution platform.

3 If the CO<sub>2</sub> emissions and fuel consumption of new vehicles cannot be determined in accordance with Article 9(1) due to a malfunction of the simulation tool, the vehicle manufacturer shall perform the simulation of those vehicles not later than 7 calendar days after the date referred to in point 1. Until then, the obligations resulting from Article 9 for the vehicles for which the determination of fuel consumption and CO<sub>2</sub> emissions remains impossible shall be suspended.

### *Article 11*

#### **Accessibility of the simulation tool inputs and output information**

1 The manufacturer's records file together with certificates on CO<sub>2</sub> emissions and fuel consumption related properties of the components, systems and separate technical units shall be stored by the vehicle manufacturer for at least 20 years after the production of the vehicle and shall be available to the approval authority and the Commission at their request.

2 Upon request by an authorized entity of a Member State or by the Commission, the vehicle manufacturer shall provide, within 15 working days, the manufacturer's records file.

3 Upon request by an authorised entity of a Member State or by the Commission, the approval authority which granted the licence in accordance with Article 7 or certified the CO<sub>2</sub> emissions and fuel consumption related properties of a component, separate technical unit or system in accordance with Article 17 shall provide, within 15 working days, the information document referred to in Article 6(2) or in Article 16(2), respectively.