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⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1839

of 31 October 2019

amending Implementing Regulation (EU) 2017/1152 as regard the determination and reporting of WLTP CO₂ values for certain categories of new light commercial vehicles and adjusting the input data for the correlation tool**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular the first subparagraph of Article 8(9) and the third subparagraph of Article 13(6) thereof,

Whereas:

- (1) Light commercial vehicles for which type-approvals have been granted pursuant to Regulation (EC) No 595/2009 of the European Parliament and of the Council ⁽²⁾ and extended pursuant to the fourth paragraph of Article 2 of that Regulation may be placed on the market in 2020, and as end-of-series vehicles until June 2022, with CO₂ emission values determined in accordance with the New European Drive Cycle (NEDC).
- (2) Those vehicles should, however, be adequately accounted for in the calculation of the specific CO₂ emission targets applicable to manufacturers from 2021 to 2024, and for verifying compliance with those targets in the years 2021 and 2022 in accordance with points 1 to 5 of Part B of Annex I to Regulation (EU) 2019/631 of the European Parliament and of the Council ⁽³⁾.
- (3) Commission Implementing Regulation (EU) 2017/1152 ⁽⁴⁾ provides a methodology for the correlation of NEDC CO₂ emission values and those determined in accordance with the Worldwide Harmonised Light Vehicle Test Procedure (WLTP) as set out in Commission Regulation (EU) 2017/1151 ⁽⁵⁾. It is therefore appropriate to clarify in Regulation (EU) 2017/1152 which WLTP CO₂ emission values should be attributed to this specific group of light commercial vehicles, with a view to ensuring that those values take into account the CO₂ emission values that are to be determined for this group of vehicles from 1 January 2021 in accordance with Annex VIII to Commission Regulation (EU) No 582/2011 ⁽⁶⁾.

⁽¹⁾ OJ L 145, 31.5.2011, p. 1.

⁽²⁾ 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 (OJ L 188, 18.7.2009, p. 1).

⁽³⁾ Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13).

⁽⁴⁾ Commission Implementing Regulation (EU) 2017/1152 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure with regard to light commercial vehicles and amending Implementing Regulation (EU) No 293/2012 (OJ L 175, 7.7.2017, p. 644).

⁽⁵⁾ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council 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, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1–643).

⁽⁶⁾ 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 (OJ L 167, 25.6.2011, p. 1).

- (4) Regulation (EU) 2019/631 provides that the EU fleet-wide CO₂ emission targets for new light commercial vehicles for 2025 and 2030 are to be calculated on the basis of the CO₂ emissions measured in accordance with Regulation (EU) 2017/1151 for new light commercial vehicles registered in 2020 (hereinafter 'measured CO₂ emission values').
- (5) Implementing Regulation (EU) 2017/1152 sets out rules about the calculation and reporting by manufacturers of those measured CO₂ emission values. It is, however, necessary to further specify how those values are to be determined, in particular, as regards Not-Off-Vehicle Charging Hybrid Electric Vehicles (NOVC-HEV) and Off-Vehicle Charging Hybrid Electric Vehicles (OVC-HEV).
- (6) It should also be clarified how the measured CO₂ emission values are to be determined where several CO₂ emissions tests are performed for the purpose of type-approval.
- (7) The correlation of the CO₂ emissions of NOVC-HEVs and OVC-HEVs should be performed on the basis of physical vehicle tests and not on the basis of simulations performed by the correlation tool, due to the complexity of adapting the correlation tool to take into account such vehicle technologies. In order to ensure effective verification of the correlation results, technical test data relating to those vehicles should be provided to the Commission in the same way as for conventional vehicles.
- (8) Implementing Regulation (EU) 2017/1152 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2017/1152 is amended as follows:

- (1) in Article 3(1), point (d) is replaced by the following:

'(d) with regard to end-of-series vehicles referred to in Article 27 of Directive 2007/46/EC, and to N1 vehicles with a reference mass between 2 380 kg and 2 610 kg for which the type-approvals granted pursuant to Regulation (EC) No 595/2009, in respect of their engines, have been extended in accordance with the fourth paragraph of Article 2 of that Regulation ('HDV-derived N1 vehicles'), the measured NEDC CO₂ values, and, where available, NEDC CO₂ values.;

- (2) Article 4 is amended as follows:

- (a) the following paragraph 1a is added:

'1a. With regard to HDV-derived N1 vehicles registered in 2020 for which CO₂ emission values have been determined in accordance with UNECE Regulation No 101 as referred to in Annex VIII to Regulation (EU) No 582/2011 in its version of 31 January 2014, the following shall apply:

- (a) Where an extension of the type approval pursuant to Regulation (EC) No 595/2009 has been granted by 31 December 2020 and a WLTP CO₂ value has been determined in accordance with Regulation (EU) 2017/1151 in conjunction with Annex VIII to Regulation (EU) No 582/2011, that WLTP CO₂ value shall be attributed to the HDV-derived N1 vehicle registered in 2020, if the type, variant and version code of that vehicle is the same as that recorded in the type approval certificate of the type approval extension in question.

The manufacturer shall by 28 February 2021 submit the following information to the Commission with regard to each vehicle covered by this point:

- (i) Vehicle identification number;
- (ii) Type, variant and version code;
- (iii) Type approval number, including the extension number;
- (iv) A copy of the type approval certificate.

- (b) Where the type approval pursuant to Regulation (EC) No 595/2009 is not extended by 31 December 2020, the following WLTP CO₂ value shall be attributed to each HDV-derived N1 vehicle concerned:

$$WLTP_{CO_2} = NEDC_{ind} \times \left(\frac{WLTP_{2020}}{NEDC_{2020}} \right)$$

Where,

$NEDC_{ind}$	is the measured NEDC CO ₂ value in 2020 of the individual vehicle;
$NEDC_{2020}$	is the average specific emissions of CO ₂ in 2020 of the manufacturer determined in accordance with this Regulation, calculated in accordance with the second indent of Article 4(3) of Regulation (EU) 2019/631, and without including CO ₂ savings resulting from the application of Article 11 of that Regulation;
$WLTP_{2020}$	is the average specific emissions of CO ₂ in 2020 of the manufacturer determined in accordance with Regulation (EU) 2017/1151 or in accordance with point (a) of this paragraph, calculated in accordance with the second indent of Article 4(3) of Regulation (EU) 2019/631, and without including CO ₂ savings resulting from the application of Article 11 of that Regulation.

$NEDC_{2020}$ and $WLTP_{2020}$ shall only include those vehicles with a WLTP CO₂ value determined in accordance with Regulation (EU) 2017/1151 or with point (a) of this paragraph.

The manufacturer shall by 28 February 2021 submit to the Commission a copy of the certificate of conformity of each vehicle covered by this point.

Where the manufacturer does not provide the information and documents referred to in points (a) and (b), the WLTP CO₂ value of the vehicles concerned shall be attributed as set out in paragraph 2(a) of this Article.'

- (b) Paragraph 2 is amended as follows:

- (i) the introductory subparagraph is replaced by the following:

'With regard to end-of-series vehicles that have not been type approved in accordance with Commission Regulation (EU) 2017/1151 but are registered in 2020, the following WLTP CO₂ values shall be attributed to each registered vehicle:'

- (ii) the following subparagraph is added:

'With regard to end-of-series vehicles registered in 2021 and 2022, the WLTP CO₂ values to be attributed to each of those vehicles shall be those determined in accordance with paragraph 1a(b) of this Article.'

- (3) Article 6a is amended as follows:

- (a) the first subparagraph of paragraph 1 is replaced by the following:

'Manufacturers shall calculate the combined, or where applicable weighted combined CO₂ emissions, determined as $M_{CO_2, measured}$, for each light commercial vehicle registered in 2020 in accordance with the following:

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

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 $M_{i,CD}$ 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;

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.

(b) the following paragraph 1a is inserted:

‘1a. Where more than one measurement 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.’

(4) Annex I is amended as follows:

(a) in point 2.1, the last sentence of the second paragraph is replaced by the following:

‘With regard to Not-Off-Vehicle Charging Hybrid Electric Vehicles (NOVC-HEV) and Off-Vehicle Charging Hybrid Electric Vehicles (OVC-HEV), the NEDC CO₂ values to be used as a reference for the purpose of Section 3 shall be determined by way of physical vehicle tests instead of correlation tool simulations. The physical measurements shall be performed in accordance with the relevant provisions referring to physical vehicle tests set out in this Annex. The input data for the physical vehicle tests shall be determined and submitted to the type-approval authority or, where applicable, technical service, in accordance with point 2.4.’;

(b) in point 2.2a, point (a) is replaced by the following:

‘(a) The correction of the WLTP test results for CO₂ mass emissions in accordance with Appendix 2 to Sub-Annex 6 and Appendix 2 to Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151 shall apply to all such test results, notwithstanding the provisions in paragraph 3.4.4(a) of Appendix 2 to Sub-Annex 6 and paragraph 1.1.4(a) of Appendix 2 to Sub-Annex 8 to Annex XXI to that Regulation’;

(c) in point 2.4, table 1 is amended as follows:

- (i) in entry 24, the text in the second column under ‘Input parameters for the correlation tool’ is replaced by the words ‘Service battery capacity’;
- (ii) entries 38 to 41 are replaced by the following:

‘38	WLTP CO ₂ value phase 1 (Charge-Sustaining value in case of NOVC and OVC-HEVs)	gCO ₂ /km	Entry 2.1.1.2.1. of Appendix 8a to Annex I of (EU) 2017/1151	<i>Uncorrected measured value $M_{CO_2,p,1}$ of phase Low</i>
39	WLTP CO ₂ value phase 2 (Charge-Sustaining value in case of NOVC and OVC-HEVs)	gCO ₂ /km	Idem	<i>Uncorrected measured value $M_{CO_2,p,1}$ of phase Medium</i>

40	WLTP CO ₂ value phase 3 (Charge-Sustaining value in case of NOVC and OVC-HEVs)	gCO ₂ /km	Idem	<i>Uncorrected measured value M_{CO₂,p,1} of phase High</i>
41	WLTP CO ₂ value phase 4 (Charge-Sustaining value in case of NOVC and OVC-HEVs)	gCO ₂ /km	Idem	<i>Uncorrected measured value M_{CO₂,p,1} of phase Extra-High'</i>

- (iii) in entry 60, the text in the second column under 'Input parameters for the correlation tool' is replaced by the words 'WLTP Alternator (DC/DC converter — low voltage side — in case of NOVC and OVC-HEVs) Current';
- (iv) in entry 61, the text in the second column under 'Input parameters for the correlation tool' is replaced by the words 'Service battery current';
- (v) entry 75 is deleted;
- (vi) entry 77 is replaced by the following:

'77	WLTP CO ₂ measured corrected (Charge-Sustaining value in case of NOVC and OVC-HEVs) for vehicle H and/or L	g/km	Entry 2.1.1.2.1 of Appendix 8a to Annex I of (EU) 2017/1151	<i>Combined measured CO₂ emissions for vehicle H and L after all applicable corrections, M_{CO₂,C,5}. In case of 2 and 3 WLTP tests all measured results shall be provided (except for NOVC and OVC-HEVs where only final type-approval value shall be provided).'</i>
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- (vii) the following entries 79 to 101 are added:

'79	WLTP Charge-depleting CO ₂ results (combined)	gCO ₂ /km	2.5.3.2 of Appendix 4 to Annex I to Regulation (EU) 2017/1151	<i>Combined charge depleting CO₂ mass emissions M_{CO₂,CD} (average values in case of 2 and 3 tests) for the Type I test as calculated according to paragraph 4.1.2 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151 (OVC-HEV only)</i>
80	WLTP utility factor-weighted combined CO ₂ emission (measured)	gCO ₂ /km	Calculated according to paragraph 4.1.3.1 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	<i>Calculated weighted combined results (measured) as described in Article 7a(1)(c) of this Regulation (OVC-HEV only)</i>
81	WLTP utility factor-weighted combined CO ₂ emission (declared)	gCO ₂ /km	Entry 2.5.3.3 of the EC type-approval certificate	<i>Calculated weighted combined results (declared) taken from entry 2.5.3.3 of the EC type-approval certificate (OVC-HEV only)</i>
82	WLTP Equivalent all electric range (EAER) combined	km	Entry 2.5.3.7.2 (EAER) of the EC type-approval certificate	<i>Combined Equivalent all Electric Range (EAER) (OVC-HEV only)</i>
83	Index number of the transition cycle	—	Entry 2.1.1.4.1.4 of Appendix 8a to Annex I to Regulation (EU) 2017/1151	<i>for OVC-HEV indicate the index number of the transition cycle</i>

84	Relative electric energy change REECi of each charge-depleting test	—	Calculated according to paragraph 3.2.4.5.2 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	Indicate REECi of each CD test
85	NEDC Charge- Sustaining CO ₂ emission (declared, Condition B)	gCO ₂ /km	Information document (Appendix 3 of Annex I to Regulation (EU) 2017/1151) (for NOVC-HEV entry 3.5.7.2.1; for OVC-HEV entry 3.5.7.2.2)	OEM declaration for NOVC-HEV: Declared combined NEDC CO ₂ value; For OVC-HEV: Declared combined charge sustaining CO ₂ mass emission (NEDC condition B).
86	NEDC Charge- Depleting CO ₂ emission (declared, Condition A)	gCO ₂ /km	Information document, (entry 3.5.7.2.3 of Appendix 3 of Annex I to Regulation (EU) 2017/1151)	Combined CD CO ₂ emission, OEM declaration (only OVC-HEV)
87	NEDC weighted-combined CO ₂ emission (declared)	gCO ₂ /km	OEM declaration	OEM declaration (only OVC-HEV)
88	NEDC electric range for OVC-HEV (declared)	km	OEM declaration	OEM declaration (only OVC-HEV)
89	K _{CO₂} factor for charge sustaining mode correction	(g/km)/ (Wh/km)	paragraph 2.3.2 of Appendix 2 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	RCB CO ₂ mass emission correction coefficient for NOVC and OVC-HEV
90	Hybrid Vehicle Configuration (P0, P1, P2, P2 planetary, P3, or P4) (*)	—		Does the vehicle have an electric machine used for vehicle propulsion and electric energy generation in P0, P1, P2, P2 planetary, P3, or P4 position, or a combination thereof? OEM declaration
91	Maximum power output of each electric machine (P0, P1, P2, P2 planetary, P3, or P4) (*)	kW	Point 3.3.1.1.1 of Appendix 3 of Annex I to Regulation (EU) 2017/1151	OEM declaration
92	Maximum torque output of each electric machine (P0, P1, P2, P2 planetary, P3, or P4) (*)	Nm		OEM declaration
93	For each electric machine, the ratio between the electric machine rotational speed and the reference rotational speed (P0, P1, P2, P2 planetary, P3, or P4) (*)	—		OEM declaration
94	Traction REESS capacity	Ah	Point 3.3.2.3 of Appendix 3 of Annex I to Regulation (EU) 2017/1151	OEM declaration

95	Traction REESS current	A	Appendix 3 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	20Hz time-series values used for the test(s) resampled to 1Hz
96	Traction REESS technology type	—	Point 1.1.10 of Appendix 8a of Annex I to Regulation (EU) 2017/1151	OEM declaration
97	Traction REESS initial state of charge	%		OEM declaration
98	Number of REESS cells		Point 3.3.2.1 of Appendix 3 of Annex I to Regulation (EU) 2017/1151	OEM declaration
99	Traction REESS voltage nominal/time-series	V	Appendix 3 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	Nominal or time-series values used for the test (20Hz minimum)
100	Engine-idle coasting function	—	Y/N	Does the vehicle have the engine idle coasting function (allow the engine to idle during vehicle coasting in order to save fuel)?
101	Engine-off coasting function	—	Y/N	Does the vehicle have the engine-off coasting function (allow the engine to switch off during vehicle coasting in order to save fuel)?

(*) P0: the electric machine is connected to the engine transmission belt therefore has the engine speed as reference speed;
P1: the electric machine is connected to the engine crankshaft therefore has the engine speed as reference speed;
P2: the electric machine is mounted right upstream the transmission (gearbox or continuously variable transmission), therefore has the transmission input speed as reference speed;
P2 planetary: the electric machine is connected to the gear of a planetary gearset that is not connected to the internal combustion engine or the final drive sides, here referred to as the planetary side. In this case the speed ratio to be specified is the ratio between the electric machine and planetary side rotational speed (reference speed) reflecting the speed multiplication/reduction effect of a reduction gear
P3: the electric machine is right upstream the final drive of a driven axle therefore has the final drive input rotational speed as reference speed (this includes electric machines mounted on the gear of a planetary gearset on the final drive side). A vehicle can have up to two P3 machines (one for the front (P3a) and one for the rear (P3b) axle);
P4: the electric machine is downstream the final drive, therefore has the wheel speed as reference speed. A vehicle can have up to four P4 motors (one for each wheel, where P4a indicates front wheels and P4b rear wheels).
Further specifications of these inputs are to be provided in the input template for the correlation tool;

(d) in the second paragraph of point 4.2.1.4.2, the following sentence is added:

'In the case of point (d), where the road load coefficients for the road load matrix family have been determined in accordance with point 2.3.8.2.1(a), the road load coefficients for the individual vehicle may be determined in accordance with the formulae set out in the second paragraph of point 4.2.1.5.'

Article 2

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

Point (4)(c) of Article 1 shall apply from 1 January 2020.

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

Done at Brussels, 31 October 2019.

For the Commission
The President
Jean-Claude JUNCKER

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)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular the first subparagraph of Article 8(9) and the first subparagraph of Article 13(7) thereof,

Whereas:

- (1) Regulation (EU) 2019/631 of the European Parliament and of the Council ⁽²⁾ provides that the EU fleet-wide CO₂ emissions targets for 2025 and 2030 for new passenger cars are to be calculated on the basis of the CO₂ emissions measured in accordance with Commission Regulation (EU) 2017/1151 ⁽³⁾ for new passenger cars registered in 2020 (hereinafter 'measured CO₂ emission values').
- (2) Commission Implementing Regulation (EU) 2017/1153 ⁽⁴⁾ sets out rules about the calculation and reporting by manufacturers of the measured CO₂ emission values. It is, however, necessary to further specify how those values are to be determined, in particular, as regards Not-Off-Vehicle Charging Hybrid Electric Vehicles (NOVC-HEV) and Off-Vehicle Charging Hybrid Electric Vehicles (OVC-HEV).
- (3) It should also be clarified how the measured CO₂ emission values are to be determined where several CO₂ emissions tests are performed for the purpose of type-approval.
- (4) The correlation of the CO₂ emissions of NOVC-HEVs and OVC-HEVs should be performed on the basis of physical vehicle tests and not on the basis of simulations performed by the correlation tool, due to the complexity of adapting the correlation tool to take into account such vehicle technologies. In order to ensure effective verification of the correlation results, technical test data relating to those vehicles should, however, be provided to the Commission in the same way as for conventional vehicles.
- (5) Implementing Regulation (EU) 2017/1153 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

⁽²⁾ Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011 (OJ L 111, 25.4.2019, p. 13).

⁽³⁾ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council 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, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).

⁽⁴⁾ 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).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2017/1153 is amended as follows:

(1) Article 7a is amended as follows:

(a) the first subparagraph of paragraph 1 is replaced by the following:

‘Manufacturers shall calculate the combined or, where applicable, weighted combined CO₂ emissions, determined as $M_{CO_2, \text{measured}}$, 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 $M_{CO_2\text{-ind}}$ 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 $M_{CO_2\text{-H}}$ and $M_{CO_2\text{-L}}$ 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: $M_{CO_2\text{-measured}} = M_{CO_2\text{-L},C,5} + K_{\text{ind}} \times (M_{CO_2\text{-H},C,5} - M_{CO_2\text{-L},C,5})$

Where,

$M_{CO_2\text{-L},C,5}$ 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;

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

Where,

$M_{CO_2\text{-L},C,5}, M_{CO_2\text{-H},C,5}$ 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 $M_{i,CD}$ 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;

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.’;

(b) the following paragraph 1a is inserted:

‘1a. 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) Annex I is amended as follows:

(a) in point 2.1, the last sentence of the second paragraph is replaced by the following:

‘With regard to Not-Off-Vehicle Charging Hybrid Electric Vehicles (NOVC-HEV) and Off-Vehicle Charging Hybrid Electric Vehicles (OVC-HEV), the NEDC CO₂ values to be used as a reference for the purpose of Section 3 shall be determined by way of physical vehicle tests instead of correlation tool simulations. The physical measurements shall be performed in accordance with the relevant provisions referring to physical vehicle tests set out in this Annex. The input data for the physical vehicle tests shall be determined and submitted to the type-approval authority or, where applicable, technical service, in accordance with point 2.4’;

(b) in point 2.2a, point (a) is replaced by the following:

‘(a) The correction of the WLTP test results for CO₂ mass emissions in accordance with Appendix 2 to Sub-Annex 6 and Appendix 2 to Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151 shall apply to all such test results, notwithstanding the provisions in paragraph 3.4.4(a) of Appendix 2 to Sub-Annex 6 and paragraph 1.1.4(a) of Appendix 2 to Sub-Annex 8 to Annex XXI to that Regulation;’;

(c) in point 2.4, table 1 is amended as follows:

(i) in entry 24, the text in the second column under ‘Input parameters for the correlation tool’ is replaced by the words ‘Service battery capacity’;

(ii) entries 38 to 41 are replaced by the following:

‘38	WLTP CO ₂ value phase 1 (Charge-Sustaining value in case of NOVC and OVC-HEVs)	gCO ₂ /km	Entry 2.1.1.2.1. of Appendix 8a to Annex I of (EU) 2017/1151	<i>Uncorrected measured value $M_{CO_2,p,1}$ of phase Low</i>
39	WLTP CO ₂ value phase 2 (Charge-Sustaining value in case of NOVC and OVC-HEVs)	gCO ₂ /km	Idem	<i>Uncorrected measured value $M_{CO_2,p,1}$ of phase Medium</i>
40	WLTP CO ₂ value phase 3 (Charge-Sustaining value in case of NOVC and OVC-HEVs)	gCO ₂ /km	Idem	<i>Uncorrected measured value $M_{CO_2,p,1}$ of phase High</i>
41	WLTP CO ₂ value phase 4 (Charge-Sustaining value in case of NOVC and OVC-HEVs)	gCO ₂ /km	Idem	<i>Uncorrected measured value $M_{CO_2,p,1}$ of phase Extra-High’</i>

(iii) in entry 60, the text in the second column under ‘Input parameters for the correlation tool’ is replaced by the words ‘WLTP Alternator (DC/DC converter – low voltage side — in case of NOVC and OVC-HEVs) Current’;

(iv) in entry 61, the text in the second column under ‘Input parameters for the correlation tool’ is replaced by the words ‘Service battery current’;

(v) entry 75 is deleted;

(vi) entry 77 is replaced by the following:

‘77	WLTP CO ₂ measured corrected (Charge-Sustaining value in case of NOVC and OVC-HEVs) for vehicle H and/or L	g/km	Entry 2.1.1.2.1 of Appendix 8a to Annex I of (EU) 2017/1151	<i>Combined measured CO₂ emissions for vehicle H and L after all applicable corrections, $M_{CO_2,C,5}$. In case of 2 and 3 WLTP tests all measured results shall be provided (except for NOVC and OVC-HEVs where only final type-approval value shall be provided).’</i>
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(vii) the following entries 79 to 101 are added:

79	WLTP Charge-depleting CO ₂ results (combined)	gCO ₂ /km	2.5.3.2 of Appendix 4 to Annex I to Regulation (EU) 2017/1151	Combined charge depleting CO ₂ mass emissions $M_{CO_2,CD}$ (average values in case of 2 and 3 tests) for the Type I test as calculated according to paragraph 4.1.2 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151 (OVC-HEV only)
80	WLTP utility factor-weighted combined CO ₂ emission (measured)	gCO ₂ /km	Calculated according to paragraph 4.1.3.1 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	Calculated weighted combined results (measured) as described in Article 7a (1)(c) of this Regulation (OVC-HEV only)
81	WLTP utility factor-weighted combined CO ₂ emission (declared)	gCO ₂ /km	Entry 2.5.3.3 of the EC type-approval certificate	Calculated weighted combined results (declared) taken from entry 2.5.3.3 of the EC type-approval certificate (OVC-HEV only)
82	WLTP Equivalent all electric range (EAER) combined	km	Entry 2.5.3.7.2 (EAER) of the EC type-approval certificate	Combined Equivalent all Electric Range (EAER) (OVC-HEV only)
83	Index number of the transition cycle	—	Entry 2.1.1.4.1.4 of Appendix 8a to Annex I to Regulation (EU) 2017/1151	for OVC-HEV indicate the index number of the transition cycle
84	Relative electric energy change REECi of each charge-depleting test	—	Calculated according to paragraph 3.2.4.5.2 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	Indicate REECi of each CD test
85	NEDC Charge-Sustaining CO ₂ emission (declared, Condition B)	gCO ₂ /km	Information document (Appendix 3 of Annex I to Regulation (EU) 2017/1151) (for NOVC-HEV entry 3.5.7.2.1; for OVC-HEV entry 3.5.7.2.2)	OEM declaration for NOVC-HEV: Declared combined NEDC CO ₂ value; For OVC-HEV: Declared combined charge sustaining CO ₂ mass emission (NEDC condition B).
86	NEDC Charge-Depleting CO ₂ emission (declared, Condition A)	gCO ₂ /km	Information document, (entry 3.5.7.2.3 of Appendix 3 of Annex I to Regulation (EU) 2017/1151)	Combined CD CO ₂ emission, OEM declaration (only OVC-HEV)
87	NEDC weighted-combined CO ₂ emission (declared)	gCO ₂ /km	OEM declaration	OEM declaration (only OVC-HEV)

88	NEDC electric range for OVC-HEV (declared)	km	OEM declaration	<i>OEM declaration (only OVC-HEV)</i>
89	K _{CO2} factor for charge sustaining mode correction	(g/km)/(Wh/km)	paragraph 2.3.2 of Appendix 2 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	<i>RCB CO₂ mass emission correction coefficient for NOVC and OVC-HEV</i>
90	Hybrid Vehicle Configuration (P0, P1, P2, P2 planetary, P3, or P4) ("")	—		<i>Does the vehicle have an electric machine used for vehicle propulsion and electric energy generation in P0, P1, P2, P2 planetary, P3, or P4 position, or a combination thereof? OEM declaration</i>
91	Maximum power output of each electric machine (P0, P1, P2, P2 planetary, P3, or P4) ("")	kW	Point 3.3.1.1.1 of Appendix 3 of Annex I to Regulation (EU) 2017/1151	<i>OEM declaration</i>
92	Maximum torque output of each electric machine (P0, P1, P2, P2 planetary, P3, or P4) ("")	Nm		<i>OEM declaration</i>
93	For each electric machine, the ratio between the electric machine rotational speed and the reference rotational speed (P0, P1, P2, P2 planetary, P3, or P4) ("")	—		<i>OEM declaration</i>
94	Traction REESS capacity	Ah	Point 3.3.2.3 of Appendix 3 of Annex I to Regulation (EU) 2017/1151	<i>OEM declaration</i>
95	Traction REESS current	A	Appendix 3 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	<i>20Hz time-series values used for the test(s) re-sampled to 1Hz</i>
96	Traction REESS technology type	—	Point 1.1.10 of Appendix 8a of Annex I to Regulation (EU) 2017/1151	<i>OEM declaration</i>
97	Traction REESS initial state of charge	%		<i>OEM declaration</i>
98	Number of REESS cells		Point 3.3.2.1 of Appendix 3 of Annex I to Regulation (EU) 2017/1151	<i>OEM declaration</i>

99	Traction REESS voltage nominal/time-series	V	Appendix 3 of Sub-Annex 8 to Annex XXI to Regulation (EU) 2017/1151	Nominal or time-series values used for the test (20Hz minimum)
100	Engine-idle coasting function	—	Y/N	Does the vehicle have the engine idle coasting function (allow the engine to idle during vehicle coasting in order to save fuel)?
101	Engine-off coasting function	—	Y/N	Does the vehicle have the engine-off coasting function (allow the engine to switch off during vehicle coasting in order to save fuel)?

(^{***}) P0: the electric machine is connected to the engine transmission belt therefore has the engine speed as reference speed;
P1: the electric machine is connected to the engine crankshaft therefore has the engine speed as reference speed;
P2: the electric machine is mounted right upstream the transmission (gearbox or continuously variable transmission), therefore has the transmission input speed as reference speed;
P2 planetary: the electric machine is connected to the gear of a planetary gearset that is not connected to the internal combustion engine or the final drive sides, here referred to as the planetary side. In this case the speed ratio to be specified is the ratio between the electric machine and planetary side rotational speed (reference speed) reflecting the speed multiplication/reduction effect of a reduction gear
P3: the electric machine is right upstream the final drive of a driven axle therefore has the final drive input rotational speed as reference speed (this includes electric machines mounted on the gear of a planetary gearset on the final drive side). A vehicle can have up to two P3 machines (one for the front (P3a) and one for the rear (P3b) axle);
P4: the electric machine is downstream the final drive, therefore has the wheel speed as reference speed. A vehicle can have up to four P4 motors (one for each wheel, where P4a indicates front wheels and P4b rear wheels).
Further specifications of these inputs are to be provided in the input template for the correlation tool;

(d) in the second paragraph of point 4.2.1.4.2, the following sentence is added:

‘In the case of point (d), where the road load coefficients for the road load matrix family have been determined in accordance with point 2.3.8.2.1(a), the road load coefficients for the individual vehicle may be determined in accordance with the formulae set out in the second paragraph of point 4.2.1.5.’

Article 2

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

Point (2)(c) of Article 1 shall apply from 1 January 2020.

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

Done at Brussels, 31 October 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1841**of 31 October 2019****entering a name in the register of protected designations of origin and protected geographical indications ‘Vlees van het rood ras van West-Vlaanderen’ (PDO)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(3)(a) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, application from Belgium to register the name ‘Vlees van het rood ras van West-Vlaanderen’ as protected designation of origin (PDO) was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) On 27 July 2018 the Commission received a notice of opposition from France. The related reasoned statement of opposition was received by the Commission on 26 September 2018.
- (3) France claimed that the conditions under Article 5 of Regulation (EU) No 1151/2012 are not complied with. It alleged that the name proposed for registration as PDO ‘Vlees van het rood ras van West-Vlaanderen’ is not attached to any specific place. It just identifies the bovine breed ‘Red breed of West Flanders’ from which the meat is produced according to the related product specifications.
- (4) In addition, France also claimed that the name proposed would be contrary to Article 6(2) because likely to mislead the consumer as to the true origin of the product. Since the name to register contains the term ‘ras’ meaning ‘breed’, it would be impossible to differentiate between a meat produced following the product specification of the Protected Designation of Origin and a meat simply obtained from animals of the same breed but not covered by the Protected Designation of Origin. Consequently, a high risk of confusion for the consumer would exist.
- (5) Finding such opposition admissible, by letter dated 14 November 2018, the Commission invited Belgium and France to engage in appropriate consultations for a period of three months to seek agreement among themselves in accordance with their internal procedures.
- (6) At the request of the applicant the deadline for consultation was extended for three additional months.
- (7) An agreement was reached between the parties. Belgium communicated the results of the agreement to the Commission by letter of 14 May 2019. It was clarified that the official name of the breed is ‘Rood’ and not ‘Rood ras van West-Vlaanderen’. Therefore, the geographical element of the name is not part of the name of the breed but it is the geographical component of the name to register and it indicates the origin of the product.
- (8) In addition, in the light of the above clear distinction, the name may not be considered likely to mislead the consumer as to the true origin of the product. Complying with the general Union’s labelling rules would be sufficient to avoid the risk of misleading the consumers also with reference to translations and in particular to possible conflict with the name of the French breed ‘Rouge Flamande’.
- (9) Protection should be granted to the name ‘Vlees van het rood ras van West-Vlaanderen’ as a whole. Producers should be allowed to continue to use individual components of that name, even jointly and also in translation, provided the principles and rules applicable in the Union’s legal order are respected.
- (10) As it complies with the provisions of Regulation (EU) No 1151/2012 and Union legislation, the content of the agreement concluded between Belgium and France should be taken into account.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 157, 4.5.2018, p. 11.

- (11) The texts of the single document and of the product specification were amended accordingly. Such changes made to the single document are deemed not substantial. The herdbook of the breed 'Rood' and the regulations of the applicant group were attached to the product specification.
- (12) Since the changes to the single document are not substantial, a repetition of the scrutiny, as provided for in Article 51(4) of Regulation (EU) No 1151/2012, is not required. The consolidated version of the single document should, however, be published for information.
- (13) In the light of the above, the name 'Vlees van het rood ras van West-Vlaanderen' should be entered in the Register of protected designations of origin and protected geographical indications,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Vlees van het rood ras van West-Vlaanderen' (PDO) is registered.

The name in the first paragraph identifies a product from Class 1.1. Fresh meat (and offal) of Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

The consolidated single document is set out in the Annex to this Regulation.

Article 2

Protection is granted to the name 'Vlees van het rood ras van West-Vlaanderen' as a whole. Individual components of that name may be used, even jointly and also in translation, throughout the Union, provided the principles and rules applicable in the Union's legal order are respected.

Article 3

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.

Done at Brussels, 31 October 2019.

For the Commission

The President

Jean-Claude JUNCKER

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

ANNEX

SINGLE DOCUMENT

‘VLEES VAN HET ROOD RAS VAN WEST-VLAANDEREN’

EU No: PDO-BE-02261 — 11.1.2017

PDO (X) PGI ()

1. Name(s)

‘Vlees van het rood ras van West-Vlaanderen’

2. Member State or third country

Belgium

3. Description of the agricultural product or foodstuff

3.1. Type of product

Fresh meat (and offal)

3.2. Description of product to which the name in (1) applies

The name ‘Vlees van het rood ras van West-Vlaanderen’ may be used only for fresh meat from females, aged between three and a half and eight years of age, and steers, aged between two and three and a half years of age, of the ‘Red’ breed of cattle bred and reared in the province of West Flanders. The carcasses must meet the following specifications:

- Weight: at least 380 kg.
- Conformation: Classes S, E, U, R and O of the SEUROP classification for cattle.
- Fat cover: 2, 3, 4 or 5.

The meat is fairly dark red, with light, fine marbling and a fine-grained texture.

The meat has a full, intense flavour, and the fine streaks of fat give it a touch of creaminess.

3.3. Feed (for products of animal origin only) and raw materials (for processed products only)

75-100 % of the coarse fodder (grass and grassland products) given to the cows and steers of the ‘Red’ breed is produced within the geographical area, chiefly on the holding itself.

At certain times of their lives, the cattle are additionally given a small percentage of concentrated feed.

In the summer, the cattle graze in the fields as soon as, and for as long as, the weather permits. On average, this amounts to seven months between April and November.

In the winter, the fodder consists primarily of local grassland products: haylage and hay.

The grassland products are produced on the holding, but, if necessary, fodder produced locally, within the geographical area, can be bought in. Only in extreme weather conditions (drought or heavy rainfall) can a limited amount of fodder be bought in from neighbouring areas. Each year, the percentage of the fodder coming from outside the geographical area amounts to from 30 % to a maximum of 50 % of the dry matter fed to the animals, and this does not affect the specific characteristics of the meat.

In addition to grassland products, the cattle are given the following:

- in the summer (and only if necessary): locally produced coarse fodder (such as maize, pulp, draff, potatoes, straw, etc.),
- in the winter: coarse fodder and a maximum of 0,5 kg of concentrated feed per day per 100 kg live weight.

The additional coarse fodder referred to above is primarily produced on the holding, but can be bought in if necessary. 75-100 % comes from within the geographical area.

The fattening period lasts a maximum of five months. The fodder is supplemented with concentrated feed up to a maximum of 1 kg per day per 100 kg live weight. The concentrated feed contains cereals and is supplemented with, among other things, linseed cake, fodder beet, potatoes, etc. The animals can be fattened in stalls, either tethered or untethered, or on the pasture.

3.4. *Specific steps in production that must take place in the identified geographical area*

Birth, rearing, fattening, slaughter and butchery must take place within the geographical area.

3.5. *Specific rules concerning slicing, grating, packaging, etc. of the product to which the registered name refers*

—

3.6. *Specific rules concerning labelling of the product to which the registered name refers*

The label must display the registered name 'Vlees van het rood ras van West-Vlaanderen' and the EU logo.

4. **Concise definition of the geographical area**

The geographical area comprises the Belgian province of West Flanders.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

West Flanders lends itself to traditional agriculture with mixed farms. The province is described as follows: 'West Flanders is a low-lying area [...]. It enjoys a very favourable maritime climate and consists mainly of very rich agricultural land: behind the line of dunes, the soil is a heavy polder soil; the southern half of the province consists of a fertile sandy loam, while sandy soil is confined to the Bruges-Torhout-Tielt triangle. Apart from in the sandy area, farmers in West Flanders have a whole range of land management and crop rotation possibilities open to them.'

Livestock farming has always occupied an important position in West Flanders, thanks to the proximity of the North Sea and the characteristic maritime climate. The maritime climate is strongly influenced by the warm Gulf Stream in the Atlantic Ocean. This means that there are few really cold or really warm days in West Flanders. This, in combination with the fact that the area has the most hours of sunshine in Belgium, favours a rich growth of grass and grassland products, which are the most important food source for the 'Red' cattle breed. The rich grass produces a tasty meat with a touch of creaminess.

Keepers of 'Red' cattle breed in West Flanders hand their know-how down from generation to generation: the animals are allowed to graze outside as long as the weather permits and are reared primarily on coarse fodder. Furthermore, they are slaughtered quite a bit later than beef cattle of other breeds. Cattle farmers in West Flanders run mixed agricultural holdings which are closely tied to the local traditions and have adapted to the geographical and climatic conditions. Alongside livestock farming, arable crops such as wheat, barley, sugar beet, potatoes and maize are also grown and are traditionally used as coarse fodder for this breed of cattle.

5.2. *Specificity of the breed*

Red cattle have been grazing in West Flanders and the northern part of French Flanders for hundreds of years. In around 1770, there was a homogeneous breeding centre for red cattle. They accounted for 95 % of the region's total cattle population.

After Belgium gained independence in 1830, the different stockfarming approaches adopted by the French and Belgian authorities led to a divide in the breed. In France, priority was given to dairy cattle, which led to the development of the 'rouge des Flandres' or 'Casselaise' breed. In West Flanders it remained a dual-purpose breed.

In 1906, a regional syndicate was set up to maintain a herd book for the whole of West Flanders. The breed was known in Dutch as 'het rood Vlaams ras' (the Flemish Red breed) but was later renamed 'het rood ras van West-Vlaanderen' (the West Flemish Red breed), a name which emphasises the defined breeding area, namely the Belgian province of West Flanders. Since the beginning of the 20th century, the province of West Flanders has deliberately chosen to have a single breed within its borders.

Until the 1970s, up to 80 % of all cattle in West Flanders were of the red breed. The breed was preserved because some West-Flemish farmers deliberately chose it for the specific qualities of the meat. In 1994, it was still the case that 99,6 % of all cattle of this breed were in West Flanders. More recent figures show that this figure is currently still over 95 %.

In 1991, in accordance with the Ministerial Decree on the improvement of the cattle breeds, the breed's official name was 'het Rood ras van België' (the Belgian Red breed). The name of the breed was changed to 'Rood' ('Red') in 2007 following the repeal of that Decree.

5.3. *Specificity of the meat*

The combination of the specific characteristics of the breed and the geographical characteristics of the province of West Flanders produces a distinctive meat.

Over the centuries, the 'Red' breed has adapted to the area's mild maritime climate and the fruits of the rich West Flanders soil. It is commonly said that this breed of cattle converts grass to meat like no other Belgian breed of cattle. The animals spend as long as possible on the pastures of West Flanders and, in the winter, they also receive a rich variety of locally grown coarse fodders.

'Vlees van het rood ras van West-Vlaanderen' differs from other Belgian beef by its full, robust meaty flavour. The meaty flavour is accompanied by a touch of creaminess resulting from the fine marbling. Furthermore, the meat is extremely tender without any loss of flavour. The meat owes its tenderness to its fine structure with a very fine grain. The meat has a beautiful dark red colour.

The specific characteristics of 'Vlees van het rood ras van West-Vlaanderen' are ensured by the breed, the local grass feed and the mature age of the cattle at slaughter.

5.4. *Link between the geographical area and the specific characteristics of the product*

The link between the 'Red' breed and the province of West Flanders goes back centuries. The geographical area encompasses the extensive know-how of the local cattle breeders and the efficient keeping of the herd book just as much as the specific climatic and soil conditions.

The high proportion of local grassland products in the cattle's diet has a positive influence on the flavour of the meat. The favourable maritime climate allows the grass to grow throughout the year, which makes for substantial muscle development and a succulent, finely grained meat. The quality of the meat is a specific characteristic, as the animals are able to range freely on the pastures from a young age and build up muscle mass. The cows have calved several times. Calving and suckling ensure that natural fats develop in the meat, and those fats give 'Vlees van het rood ras van West-Vlaanderen' its creamy flavour.

Given that the animals are older when they are slaughtered, they have been given ample time to grow and develop muscle mass on the basis of high-quality local feed. This means that the meat of these robust red cattle is tender and tasty.

Steers of the 'Red' breed bred and reared in West Flanders also develop their muscle mass. In conventional beef cattle farming, male animals are almost never given the chance to reach such an age. In conventional beef cattle farming, most male cattle are already slaughtered at around 20 months of age. In West Flanders, steers of the 'Red' breed are not slaughtered until they are between two and three and a half years old. This allows the animals to build up considerable muscle mass and produces a tender, finely marbled final product. Another big difference from conventional farming practices is that the cattle are given free range as much as possible and are reared on grassland products and coarse fodder from West Flanders rather than on concentrated feed and maize.

The quality of the meat of the 'Red' cattle bred and reared in West Flanders is reflected in the many references to it on menus, both old and more recent, and in gastronomic literature.

In 2012, 'Vlees van het rood ras van West-Vlaanderen' was recognised as a traditional Flemish regional product.

Today, the meat of the 'Red' cattle bred and reared in the province of West Flanders is held in very high esteem in top gastronomic circles in West Flanders and Belgium as a whole, and there is also demand for this quality product from abroad.

Reference to publication of the specification

(the second subparagraph of Article 6(1) of this Regulation)

https://lv.vlaanderen.be/sites/default/files/attachments/productdossier_vlees_van_het_rood_ras_van_west-vlaanderen_0.pdf

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1842**of 31 October 2019****laying down rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards further arrangements for the adjustments to free allocation of emission allowances due to activity level changes**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC ⁽¹⁾, and in particular Article 10a(21) thereof,

Whereas:

- (1) Directive 2003/87/EC establishes a system for greenhouse gas emission allowance trading within the Union in order to promote reductions of greenhouse gas emissions in a cost-effective and economically efficient manner. In its Article 10a, it provides for the transitional free allocation of allowances.
- (2) Commission Delegated Regulation (EU) 2019/331 ⁽²⁾ lays down the transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC for the fourth trading period from 2021 until 2030.
- (3) In accordance with Article 10a(20) of Directive 2003/87/EC, the allocation of emission allowances free of charge to installations whose operations have increased or decreased, as assessed on the basis of a rolling average of two years, by more than 15 % compared to the historical activity levels is to be adjusted in a symmetrical manner. To implement the adjustments of allocation of emission allowances due to changes in activity, since the installations are divided in sub-installations in accordance with Article 10 of Delegated Regulation (EU) 2019/331, it is appropriate to compare these changes against the historical activity levels at sub-installation level.
- (4) The collection of high quality and independently verified data is necessary for adjustments to free allocation. Consistency in the accuracy and quality of the data monitored and reported to determine free allocation should be ensured. For that purpose, specific rules for reporting of activity levels at sub-installation level should be provided, taking into account the relevant provisions of Delegated Regulation (EU) 2019/331. Data collected from operators in accordance with these rules should reflect the actual operations of sub-installations.
- (5) Operators should report the requested data annually. Data should be monitored in accordance with the requirements on monitoring pursuant to Article 8 of Delegated Regulation (EU) 2019/331.
- (6) To ensure consistency between verification of annual emissions reports pursuant to Article 15 of Directive 2003/87/EC and activity level data, as well as to make use of synergies, it is appropriate to use the legal framework set by measures in accordance with Commission Implementing Regulation (EU) 2018/2067 ⁽³⁾.
- (7) In order to prevent manipulation or abuse of the system for adjustments of allocations, avoid undue administrative burden and ensure that changes to the allocations are carried out in an effective, non-discriminatory and uniform manner, further arrangements for the adjustments of free allocation of sub-installations should apply when activity level have increased or decreased by more than 15 % compared to the historical activity level. The average activity level should be defined as the arithmetic mean of the two annual activity levels of two full calendar years of operation. The first year of calculation of the average activity level should be the first year of each allocation period. If the comparison of the historical activity level and the average activity level presents a difference of more than 15 %, then the free allocation should be adjusted by the exact percentage of the activity level change. If a subsequent

⁽¹⁾ OJ L 275, 25.10.2003, p. 32.

⁽²⁾ Commission Delegated Regulation (EU) 2019/331 of 19 December 2018 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27.2.2019, p. 8).

⁽³⁾ Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, p. 94).

change of activity level occurs within the same 5 % interval, beyond 15 %, then the allocation should remain the same. If a subsequent change exceeds the 5 % interval within which the previous adjustment fell (e.g. 20-25 %, 25-30 % and so on), the adjustment in that case should also be as the exact percentage change in the average activity level.

- (8) To avoid undue administrative burden, adjustments should be considered whenever changes in the level of activity of a sub-installation would lead to an annual adjustment in the level of free allocation of the sub-installation of 100 allowances or more.
- (9) In order to prevent manipulation or abuse of the system and to ensure that the changes to the allocations are carried out in an effective, non-discriminatory and uniform manner, the new entrants and the new sub-installations should be treated in the same manner.
- (10) Article 10a(1) of Directive 2003/87/EC requires transitional harmonised measures for free allocation of emission allowances to take place in a manner that provides incentives for reductions in greenhouse gas emissions and energy efficient techniques. In order to maintain incentives to reduce emissions when defining further arrangements for the adjustment of free allocations to sub-installations whose operations have increased or decreased by more than 15 % compared to the historical activity levels, changes in the operation of sub-installations other than changes in activity levels should also be considered. This should cover improvements of energy efficiency, changes in heat supply, the exchangeability of fuel and electricity, production of high value chemicals, changes in the production of vinyl chloride monomer as well as the energy recovery of waste gases. In order to maximise such incentives to reduce emissions, it is appropriate to consider such changes at sub-installation level.
- (11) For better alignment of production changes to free allocation, emission allowances should not be issued for sub-installations reporting a cessation of operations as of the year following the cessation.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to the free allocation of allowances pursuant to Article 10a of Directive 2003/87/EC for the trading period from 2021 until 2030.

Article 2

Definitions

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

- (1) 'average activity level' means, for each sub-installation, the arithmetic mean of the related annual activity levels for the two calendar years preceding the submission of a report referred to in Article 3(1);
- (2) 'incumbent installation' means incumbent installation as defined in Article 2(1) of Delegated Regulation (EU) 2019/331;
- (3) 'heat benchmark sub-installation' means heat benchmark sub-installation as defined in Article 2(3) of Delegated Regulation (EU) 2019/331;
- (4) 'fuel benchmark sub-installation' means fuel benchmark sub-installation as defined in Article 2(6) of Delegated Regulation (EU) 2019/331;
- (5) 'allocation period' means allocation period as defined in Article 2(15) of Delegated Regulation (EU) 2019/331;
- (6) 'group' means group as defined in Article 2(11) of Directive 2013/34/EU of the European Parliament and of the Council (*).

(*) Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements consolidated financial statements and related reports of certain types of undertakings (OJ L 182, 29.6.2013, p. 19).

*Article 3***Reporting requirements**

1. Starting in 2021, the operators of installations to which free allocation has been given, in accordance with Article 10a of Directive 2003/87/EC, for the trading period from 2021 until 2030 shall report annually on the activity level of each sub-installation in the preceding calendar year. In 2021, this report shall include data for the two years preceding its submission.

New entrants may submit the reports referred to in Article 5 paragraph 2 of Delegated Regulation (EU) 2019/331 in the year after the first day of operations.

2. The activity level report must contain information on the activity level of each sub-installation and on each of the parameters listed in sections 1, except 1.3 (c), and 2.3 to 2.7 of Annex IV to Delegated Regulation (EU) 2019/331. The activity level report shall also contain information on the structure of the group, if any, to which the installation belongs and on whether any sub-installation has ceased to operate.

The competent authority may require operators to also report on any of the additional parameters included in Annex IV to Delegated Regulation (EU) 2019/331 in the activity level report or referred to in its paragraph 1.

3. The activity level report shall be submitted by 31 March of each year during the years from 2021 to 2030, to the competent authority granting the free allocation, unless the competent authority has set an earlier time limit for this submission. It shall be submitted together with a verification report on the activity level report issued pursuant to Implementing Regulation (EU) 2018/2067.

Member States may require the submission of a preliminary activity level report, containing all available information at the time of submission. Member States may set time limits for the submission of the preliminary activity level report.

The competent authority may suspend the issuance of free emission allowances to an installation until the competent authority has established that there is no requirement to adjust the allocation to that installation or the Commission has adopted a Decision according to Article 23(4) of Delegated Regulation (EU) 2019/331 concerning the adjustments to the allocation to that installation.

Where applicable, the competent authority shall recover any excess allowances resulting from an over-allocation, in accordance with the procedure set out in Article 48(4) of Commission Delegated Regulation (EU) 2019/1122 ^(*).

The competent authority may require operators and verifiers to use electronic templates or specific file formats for the submission of activity level reports.

4. The competent authority shall assess the activity level report referred to in paragraphs 1 to 3 of this Article in accordance with the requirements of Articles 7 to 12 of Delegated Regulation (EU) 2019/331. The competent authority may make a conservative estimate of the value of any parameter in any of the following situations:

- (a) no verified activity level report has been submitted by the operator by the time limit referred to in paragraph 3 and the issuance of the allowances has not been suspended;
- (b) the verified value submitted is not in compliance with this Regulation or Delegated Regulation (EU) 2019/331;
- (c) the activity level report of an operator has not been verified in accordance with Implementing Regulation (EU) 2018/2067.

The competent authority shall not increase the allocation to an installation based on an estimate made in the situation under point (a).

Where a verifier has stated, in the verification report pursuant to Implementing Regulation (EU) 2018/2067, the existence of non-material misstatements which have not been corrected by the operator before issuing the verification report, the competent authority shall assess those misstatements, and make a conservative estimate of the value of a parameter, where possible. The competent authority shall inform the operator whether and which corrections are required to the activity level report. The operator shall make that information available to the verifier.

^(*) Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry (OJ L 177, 2.7.2019, p. 3).

*Article 4***Average activity levels**

1. The competent authority shall determine the average activity level of each sub-installation annually based on the activity level reports for the relevant two-year period.
2. The average activity level of new sub-installations and new entrants shall not be calculated for the first three calendar years of operation.

*Article 5***Adjustments to free allocation due to activity level changes**

1. Every year the competent authority shall compare the average activity level of each sub-installation, determined in accordance with Article 4, with the historical activity level initially used to determine the free allocation. When the absolute value of the difference between the average activity level and the historical activity level of that sub-installation is more than 15 %, the free allocation of allowances to that installation shall be adjusted. That adjustment shall apply as of the year following the two calendar years used for determining the average activity level, and provided that the adjustment of the annual preliminary amount of emission allowances allocated for free to the sub-installation is at least 100 emission allowances. That adjustment shall be made by increasing or decreasing the free allocation for the relevant sub-installation by the exact percentage change in the average activity level compared to the historical activity level initially used to determine the free allocation.
2. When an adjustment according to paragraph 1 has been made, during an allocation period, further adjustments can only take place if the absolute value of the difference between the average activity level and the historical activity level of that sub-installation, exceeds the nearest 5 % interval, beyond the 15 % change, which caused the previous adjustment of free allocation to that installation, by increasing or decreasing the free allocation for the relevant sub-installation by the exact percentage change in the average activity level compared to the historical activity level initially used to determine the free allocation and provided that the adjustment of the annual preliminary amount of emission allowances allocated for free to the sub-installation is at least 100 emission allowances.
3. If the increase or decrease of the average activity level of a sub-installation no longer exceeds 15 % compared to the historical activity level initially used to determine the free allocation, the free allocation of allowances to that sub-installation shall be equal to the initial allocation determined by Article 16 or 18 of Delegated Regulation (EU) 2019/331, as of the year following the two calendar years used for determining the average activity level.
4. If a sub-installation has ceased operation, the free allocation of this sub-installation shall be set to zero as of the year following the cessation of operations.
5. For new sub-installations and for new entrants, for the first three calendar years of operation the free allocation of emission allowances shall not be adjusted. For the first and second calendar years of operation, the free allocation of emission allowances shall be based on the activity level of each year respectively, for the third calendar year of operation the free allocation of emission allowances shall be based on the historical activity level used to determine free allocation.
6. The final annual amount of emission allowances allocated for free to an installation shall be the sum of emission allowances of all sub-installations calculated in accordance with Article 16 or 18, as applicable, of Delegated Regulation (EU) 2019/331.

*Article 6***Other changes in the operation of the installation**

1. Where an operator demonstrates, based on the data submitted in the activity level report and any additional data requested by the competent authority, that the decrease of the activity level of a sub-installation for which the amount of free allocation has been determined based on a heat or fuel benchmark is not related to a change of production levels of the sub-installation, but due to the increased energy efficiency of that sub-installation in accordance with paragraph 3 of this Article, compared to the one based on the baseline data or the new entrant data report, by more than 15 %, no adjustment of free allocation shall be made.

2. Where an operator fails to demonstrate, upon request of the competent authority, based on the data submitted in the activity level report and any additional data requested by the competent authority, that the increase of the activity level of a sub-installation for which the amount of free allocation has been determined based on a heat or fuel benchmark is related to a change of production levels of the sub-installation and not due to the decrease of the energy efficiency of that sub-installation in accordance with paragraph 3 of this Article, compared to the one based on the baseline data or the new entrant data report, by more than 15 %, the competent authority may reject adjustment of free allocation.

3. For heat benchmark sub-installations and fuel benchmark sub-installations, the energy efficiency change shall be determined by comparing the quotients of the amount of heat or fuel used for the production of each product and the amounts of their respective production according to the baseline data report and after the change in the operation of the sub-installation has taken place. Such determination of energy efficiency shall be carried out for the production of each product covered by each PRODCOM code of the sub-installation under the list referred to in Article 2(2) of Council Regulation (EEC) No 3924/91 ⁽⁶⁾.

In accordance with the first subparagraph of this paragraph, the amounts of heat and fuel used for the production of each product shall be determined in line with the methodologies laid down in the monitoring methodology plan as approved in accordance with Article 6 of Delegated Regulation (EU) 2019/331.

4. Where the activity level report submitted pursuant to Article 3 indicates that the rolling average of two years of a parameter listed in Article 16(5), Article 19, 20, 21 or 22 of Delegated Regulation (EU) 2019/331, other than activity levels, has changed by more than 15 % for a sub-installation, compared with the values used to determine the initial level of free allocation, the free allocation of allowances to that installation shall be adjusted, as of the year following the two years used for determining the change of parameters, provided that the adjustment of the annual preliminary amount of emission allowances allocated for free to the sub-installation is at least 100 emission allowances, by increasing or decreasing the free allocation for the relevant sub-installation using the new exact value of the parameter.

Article 7

Entry into force and application

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.

Done at Brussels, 31 October 2019.

For the Commission
The President
Jean-Claude JUNCKER

⁽⁶⁾ Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production (OJ L 374, 31.12.1991, p. 1).

DECISIONS

COUNCIL DECISION (EU) 2019/1843

of 24 October 2019

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 191 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 to the EEA Agreement.
- (3) Protocol 31 to the EEA Agreement contains specific provisions on cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement in Union actions to include Regulations (EU) 2018/841 ⁽³⁾ and (EU) 2018/842 ⁽⁴⁾ of the European Parliament and of the Council and related provisions from Regulations (EU) 2018/1999 ⁽⁵⁾ and (EU) No 525/2013 ⁽⁶⁾ of the European Parliament and of the Council and from Commission Implementing Regulation (EU) No 749/2014 ⁽⁷⁾.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).

⁽⁴⁾ Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26).

⁽⁵⁾ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).

⁽⁶⁾ Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).

⁽⁷⁾ Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 203, 11.7.2014, p. 23).

- (5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation.
- (6) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Strasbourg, 24 October 2019.

For the Council
The President
A.-K. PEKONEN

DRAFT**DECISION OF THE EEA JOINT COMMITTEE No [...]****of [...]****amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ("the EEA Agreement"), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) The European Union, Iceland and Norway are committed to reduce their overall greenhouse gas emissions, in view of holding the increase in the global average temperature well below 2°C above pre-industrial levels, and to pursue efforts to limit the temperature increase to 1,5°C above pre-industrial levels.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU ⁽¹⁾.
- (3) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 ⁽²⁾.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to certain provisions of Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council ⁽³⁾, which are essential for the implementation of Regulations (EU) 2018/841 and (EU) 2018/842.
- (5) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to certain provisions of Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC ⁽⁴⁾, which are essential for the implementation of Regulation (EU) 2018/842.
- (6) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to certain provisions of Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council ⁽⁵⁾, which are essential for the implementation of Regulation (EU) 2018/842.
- (7) By this Decision, Iceland and Norway are taking action to fulfil their emissions reduction targets of an at least 40 % reduction of greenhouse gas emissions by 2030 compared to 1990 levels.

⁽¹⁾ OJ L 156, 19.06.2018, p. 1.

⁽²⁾ OJ L 156, 19.06.2018, p. 26.

⁽³⁾ OJ L 328, 21.12.2018, p. 1.

⁽⁴⁾ OJ L 165, 18.6.2013, p. 13.

⁽⁵⁾ OJ L 203, 11.7.2014, p. 23.

- (8) This Decision is without prejudice to how the EU, Iceland and Norway implement the Paris Agreement.
- (9) Budgetary issues are not part of the EEA Agreement. The application of Article 5(6) of Regulation (EU) 2018/842 is therefore without prejudice to the scope of the EEA Agreement.
- (10) The EFTA Surveillance Authority should coordinate closely with the European Commission whenever it is called to undertake tasks relating to Iceland and Norway pursuant to this Decision.
- (11) The competences of the EFTA Surveillance Authority and the EFTA Court pursuant to this Decision are limited to the obligations hereby undertaken.
- (12) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph shall be inserted after paragraph 7 of Article 3 (Environment) of Protocol 31 to the EEA Agreement:

‘8. (a) Iceland and Norway will fulfil their respective greenhouse gas emission reduction targets for the period from 1 January 2021 to 31 December 2030 in accordance with the following acts:

— **32018 R 0841**: Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.06.2018, p. 1).

The Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(i) In Article 6(2), the words “30 years” shall, for Iceland, be read as “50 years”.

(ii) The following shall be added to Article 8(7):

“The EFTA States shall communicate their revised proposed forest reference levels to the EFTA Surveillance Authority no later than nine months after the entry into force of Decision of the EEA Joint Committee No xx of xx/xxxx [this decision] for the period from 2021-2025. The EFTA Surveillance Authority shall publish the proposed forest reference levels communicated to it by the EFTA States.”

(iii) Article 13(2)(a) shall, for the EFTA States, read as follows:

“The EFTA State has submitted a strategy as set out below for the land use, land use change and forestry sector with a perspective of at least 30 years, including also ongoing or planned specific measures to ensure the conservation or enhancement, as appropriate, of forest sinks and reservoirs;

1. By 1 January 2020, each EFTA State shall prepare and submit to the EFTA Surveillance Authority its strategy for the land use, land use change and forestry sector with a perspective of at least 30 years. EFTA States should, where necessary, update these strategies by 1 January 2025.

2. The EFTA States’ strategies shall contribute to:

- (a) fulfilling the EFTA States’ commitments under the UNFCCC and the Paris Agreement to reduce anthropogenic greenhouse gas emissions and enhance removals by sinks and to promote increased carbon sequestration;
- (b) fulfilling the objective of the Paris Agreement of holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5 °C above pre-industrial levels;

- (c) achieving long-term greenhouse gas emission reductions and enhancements of removals by sinks to the extent relevant for the LULUCF sector, in accordance with the objective, in the context of necessary reductions according to the IPCC to reduce EFTA states greenhouse gas emissions in a cost-effective manner and enhance removals by sinks in pursuit of the temperature goals in the Paris Agreement so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.

3. The EFTA States' strategies shall cover:

- (a) emission reductions and enhancements of removals in land use, land-use change and forestry (LULUCF); taking into account bioenergy and biomaterials from this sector.
- (b) To the extent it is relevant to land use, land use change and forestry, links to other national long-term objectives, planning and other policies and measures.

4. The EFTA States shall inform and make available to the public forthwith their respective strategies and any updates thereof.

5. The EFTA Surveillance Authority shall assess whether the EFTA States' strategies are adequate for documenting fulfilment under this Article.

6. The EFTA States' strategies for the land use, land use change and forestry sector should contain the elements set out below:

A. OVERVIEW AND PROCESS FOR DEVELOPING THE STRATEGIES

A.1. Executive summary

A.2. Legal and policy context, including where appropriate, indicative milestones for 2040 and 2050

B. CONTENT

B.1. LAND USE, LAND-USE CHANGE AND FORESTRY (LULUCF)

B.1.1. Projected emission reductions and enhancement of removals by 2050

B.1.2. To the extent feasible, expected emissions by sources and by individual GHGs

B.1.3. Emission reduction options and options for enhancement of sinks envisaged

B.1.4. To the extent it is relevant for the conservation or enhancement, as appropriate, of forest sinks and reservoirs; adaptation policies and measures

B.1.5. Aspects related to market demand for forest biomass and impact on harvest

B.1.6. As necessary, details on modelling (including assumptions) and/or analysis, indicators, etc."

(iv) The following shall be added to Article 15(2):

"The Central Administrator shall be competent to perform the tasks referred to in this Article when EFTA States are concerned. The EFTA Surveillance Authority shall be informed if the Central Administrator blocks a transaction concerning or conducted by the EFTA States."

- (v) The following shall be added to the table in Annex II:

Iceland	0,5	10	2
Norway	0,1	10	5"

- (vi) The following shall be added to the table in Annex III:

Iceland	1990
Norway	1990"

- (vii) The following shall be added to point (g) of section A of Annex IV: "For the EFTA States, the reference level for the period 2021-2025 shall be consistent with projections reported to the European Environment Agency on a voluntary basis in accordance with Regulation (EU) No 525/2013 and, for Iceland, also in accordance with the bilateral Agreement between Iceland and the European Union and its Member States concerning Iceland's participation in the joint fulfilment of the commitments of the European Union, its Member States and Iceland for the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change ⁽⁶⁾."

- (viii) The following shall be added to the table in Annex VII:

Iceland	-0,0224	-0,0045
Norway	-29,6	-35,5"

- **32018 R 0842**: Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.06.2018, p. 26).

The Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

- (i) The following shall, for the EFTA States, be added to Article 4(3): "In respect of the EFTA States, for the purpose of setting out the annual emission allocations for the years from 2021 to 2030 in terms of tonnes of CO₂ equivalent as specified in paragraphs 1 and 2 of this Article, the 2005 base year for the emission allocation 2030 will be based on the difference between total greenhouse gas emissions in 2005 resulting from the comprehensive review, which treat CO₂ emissions from aviation as zero, and the stationary EU ETS 2005 emissions in 2013 ETS scope as reported in Part B of the Appendix to the Decision of the EEA Joint Committee No 152/2012 of 26 July 2012 ⁽⁷⁾, adapted with the values for global warming potentials adopted in a delegated act referred to in Article 26(6)(b) of Regulation (EU) 2018/1999 or those identified by the Fourth Assessment Report (AR4) of the IPCC until the delegated act becomes applicable. The stationary EU ETS 2005 emissions figures as reported in the Decision of the EEA Joint Committee No 152/2012 (AR2) and the same figures with updated values for global warming potentials (AR4) to be taken into account for the purpose of setting out the annual emission allocations for the years from 2021 to 2030 pursuant to this Article are set out in the Appendix."
- (ii) The following shall be added after Annex IV:

"Appendix

EFTA States' stationary EU ETS 2005 emissions figures as reported in the Decision of the EEA Joint Committee No 152/2012 (AR2) and the same figures with updated values for global warming potentials (AR4) to be taken into account for the purpose of setting out the annual emission allocations for the years from 2021 to 2030 pursuant to Article 4(3)

⁽⁶⁾ OJ L 207, 4.8.2015, p. 1.

⁽⁷⁾ OJ L 309, 8.11.2012, p. 38.

Table 1: 2005 ETS emissions for Norway:

Greenhouse gas (tons)	CO ₂ -eq (AR2)	CO ₂ -eq (AR4)	N ₂ O/PFC
CO ₂	23 090 000	23 090 000	
N ₂ O	1 955 000	1 880 000	6 308
PFC	829 000	955 000	
CF ₄			116.698
C ₂ F ₆			7.616
Total	25 874 000	25 925 000	

Table 2: 2005 ETS emissions for Iceland:

Greenhouse gas (tons)	CO ₂ -eq (AR2)	CO ₂ -eq (AR4)	N ₂ O/PFC
CO ₂	909 132	909 132	
PFC	26 709	31 105	
CF ₄			3.508
C ₂ F ₆			0.424
Total	935 841	940237"	

(iii) In Article 6(1), the words "100 million EU ETS allowances" shall read "107 million EU ETS allowances"

(iv) The following shall be added to Article 12(2):

"The Central Administrator shall be competent to perform the tasks referred to in this Article when EFTA States are concerned. The EFTA Surveillance Authority shall be informed if the Central Administrator blocks a transaction concerning or conducted by the EFTA States."

(v) The following shall be added to the table in Annex I:

"Iceland	- 29 %
Norway	- 40 %"

(vi) The following shall be added to the table in Annex II:

"Iceland	4 %
Norway	2 %"

(vii) The table in Annex III shall be amended as follows:

(a) The following shall be added to the table:

"Iceland	0,2
Norway	1,6"

(b) The number "280" for the maximum total shall read "281,8"

- **32018 R 1999:** Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).

The applicable provisions of this Regulation are listed below and shall, for the purpose of the present Agreement, be read with the following adaptations:

- (i) Only the following provisions of the Regulation shall apply:

Articles 2(1)-2(10), 2(12)-(13), 2(15)-2(17), 18, 26(2)-(7), 29(5)(b), 37-42, 44(1)(a), (2)-(3) and (6), 57-58, and Annexes V-VII and XII-XIII.

- (ii) Article 2(1)-(10) and 2(12)-(13) and 2(15)-(17) shall, for the purposes of this paragraph only apply to the EFTA States to the extent they relate to the implementation of Regulations (EU) 2018/841 and (EU) 2018/842.

- (iii) Article 26(4) shall, for the EFTA States, read as follows:

“Iceland and Norway shall, by 15 April each year, submit to the EFTA Surveillance Authority a copy of the final greenhouse gas inventory data reported to the UNFCCC in accordance with paragraph 3.”

- (iv) Article 41 shall, for the EFTA States, only apply to the extent the provisions or parts thereof mentioned in the Article are referred to or set out in [this decision];

- (v) The following sentence shall, for the EFTA States, be added after the first sentence of Article 42:

“The European Environment Agency shall only assist the EFTA Surveillance Authority in its work as regards Articles 18, 26(2)-(7), 29(5) (b), 37-39 and 41.”

- **32013 R 0525:** Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).

The applicable provisions of this Regulation are listed below and shall, for the purposes of the present Agreement, be read with the following adaptations:

- (i) Only the following provisions of the Regulation shall apply:

Articles 7, 19(1) and (3).

- (ii) Articles 7, 19(1) and (3) shall, for the purposes of this paragraph, only apply to the EFTA States to the extent they relate to the implementation of Regulation (EU) 2018/842.

- **32014 R 0749:** Commission Implementing Regulation (EU) No 749/2014 of 30 June 2014 on structure, format, submission processes and review of information reported by Member States pursuant to Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 203, 11.7.2014, p. 23).

The applicable provisions of this Regulation are listed below and shall, for the purposes of the present Agreement be read with the following adaptations:

- (i) Only the following provisions of the Regulation shall apply:

Articles 3-5, 7-10, 12-14, 16, 29, 32-34, 36-37 and Annexes I-VIII and Table 2 of Annex XVI.

- (ii) Articles 3-5, 7-10, 12-14, 16, 29, 32-34, 36-37 and Annexes I-VIII and Table 2 of Annex XVI shall, for the purposes of this paragraph, only apply to the EFTA States to the extent they relate to the implementation of Regulation (EU) 2018/842.

- (b) By virtue of Article 79(3) of the EEA Agreement, Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.

- (c) Protocol 1 to the EEA Agreement (Horizontal Adaptations) shall apply *mutatis mutandis* to this paragraph.
- (d) References to Union legislation, acts, rules, policies and measures in the acts and provisions referred to or contained in this paragraph shall apply to the extent and in the form that the relevant legislation, acts, rules policies and measures are incorporated into this Agreement.
- (e) Iceland and Norway shall participate fully in the work of the Climate Change Committee pursuant to the acts and provisions referred to or contained in this paragraph but shall not have the right to vote.
- (f) When the Commission consults experts designated by the Member States pursuant to the acts and provisions referred to or contained in this paragraph, it shall consult experts designated by the EFTA States on the same basis.
- (g) The European Environment Agency shall assist the EFTA Surveillance Authority in its work pursuant to Regulations (EU) 2018/841 and (EU) 2018/842.
- (h) This paragraph shall not apply to Liechtenstein.’

Article 2

This Decision shall enter into force on [...], or on the day following the last notification to the EEA Joint Committee under Article 103(1) of the EEA Agreement, whichever is the later ⁽⁸⁾.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, [...].

For the EEA Joint Committee
The President

The Secretaries
To the EEA Joint Committee

⁽⁸⁾ [No constitutional requirements indicated.] [Constitutional requirements indicated.]

**Declaration by Iceland and Norway on national plans related to Decision of the EEA Joint Committee
No [this Decision]**

Iceland and Norway will, on a voluntary basis, develop national plans describing how Iceland and Norway intend to fulfil the commitments they have undertaken by including the following acts in Protocol 31 to the EEA Agreement:

- Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (the LULUCF Regulation) and
- Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (the Effort Sharing Regulation – ESR).

Iceland and Norway will develop their respective national plans and make them available to the EU Member States, the European Commission, the EFTA Surveillance Authority and the public, by 31 December 2019.

The plans will contain the following main elements:

- An executive summary of the plan;
 - An overview of current national climate policies;
 - A description of the national Effort Sharing target and LULUCF commitment;
 - A description of the main existing and planned policies and measures foreseen to achieve the Effort Sharing target and LULUCF commitment;
 - A description of the current national greenhouse gas emissions and removals as well as projections of the Effort Sharing target and LULUCF commitment based on already existing policies and measures;
 - An assessment of impacts of the planned national policies and measures to meet the Effort Sharing target and LULUCF commitment, comparing with the projections based on existing policies and measures and describing interactions between existing and planned policies and measures.
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