

# FRENCH REPUBLIC

Ministry of Energy Transition

## **Decree No 2023-XXXX of ... subjecting the eligibility for the green bonus for new electric passenger cars to achieving a minimum environmental score**

NOR:

**Target audience:** *vehicle buyers and lessees; automotive professionals.*

**Subject:** *aid for the acquisition and rental of low-pollution vehicles.*

**Entry into force:** *this Decree shall enter into force on 10 October 2023.*

**Notice:** *the Decree amends the conditions for eligibility of vehicles for the green bonus for new passenger cars by stipulating that they must be covered by a version contained in a ministerial decree, adopted on a proposal from the Environment and Energy Management Agency, reflecting their achievement of a minimum environmental score of which the methodology of calculation and justification, on the one hand, and the threshold value, on the other, are defined by interministerial decree.*

**References:** *the provisions of the Energy Code amended by this Decree can be consulted, in their drafting resulting from this amendment, on the Légifrance website (<https://www.legifrance.gouv.fr>).*

**The Prime Minister,**

On the report of the Minister for Energy Transition,

Having regard to Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6);

Having regard to Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users,

amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166;

Having regard to Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC;

Having regard to Commission Implementing Regulation (EU) 2021/535 of 31 March 2021 laying down rules for the application of Regulation (EU) 2019/2144 of the European Parliament and of the Council as regards uniform procedures and technical specifications for the type-approval of vehicles, and of systems, components and separate technical units intended for such vehicles, as regards their general construction characteristics and safety;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to the Highway Code, in particular Article R 311-1 thereof;

Having regard to the Energy Code, in particular Articles L. 251-1 and D. 251-1 to D. 251-13 thereof;

Having regard to the Criminal Code, in particular Articles 441-1 to 441-12 thereof;

Having regard to the observations made during the public consultation carried out between 28 July 2023 and 25 August 2023 pursuant to Article L. 123-19-1 of the Environmental Code;

Having regard to notification No 2023/XXX/X sent on.../.../..... to the European Commission;

### **Hereby decrees:**

#### **Article 1**

The Energy Code is amended as follows:

1. Article D. 251-1 is amended as follows:

a) I(1) shall be replaced by the following provisions:

“1. Belongs to the category of passenger cars within the meaning of Article R. 311-1 of the Highway Code or a category of vehicles subject to a carbon dioxide emission measurement pursuant to Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007.”

b) in I(6), b) is replaced by the following provisions:

“b) Its mass in running order is less than 2,400 kg. For the purposes of this Section, the mass in running order is as defined in 1.3.(a) of Section A of Part 2 of Annex XIII to Commission Implementing Regulation (EU) 2021/535 of 31 March 2021;”

c) after I(6)(b), the following provisions shall be inserted:

“c) Its version obtains, by joint decree of the ministers for economy, energy, ecology and transport published in the Official Journal of the French Republic, an environmental score higher than the minimum required score defined by joint decree of the ministers for economy, energy, ecology and transport. This score shall be established in accordance with the procedure defined in Article D. 251-1-A taking into account the configuration corresponding to the maximum mass value in running order associated with this version, the larger battery capacity, in kilowatt-hour, capable of equipping this version. For the purposes of this Section, the version is as defined in 1.3.1. of Part B of Annex I to Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018.

The environmental score is set by version of a variant of a vehicle type. At least 70% of its value is made up of the carbon footprint of the version in question, over the stages of a vehicle's life cycle prior to its use on the road. Where appropriate, this score may take into account, for up to 30% of its value, elements relating to the incorporation of recycled and bio-sourced materials in the vehicle, as well as the reparability of the battery. Its calculation takes into account the technical characteristics of the vehicle versions.

The methods for calculating this score and the minimum value to be achieved for it are defined by joint decree of the ministers for economy, energy, ecology and transport. In addition, the decree defines each of the reference values applied to the various parameters involved in the calculation of the components of the environmental score.

For versions of vehicles assembled on multiple sites, or equipped with batteries produced on multiple sites, it specifies the weighting between these different sites to establish a unique environmental score at the scale of the version in question.”

2. After Article D. 251-1, an Article shall be inserted, drafted as follows:

“ Article D. 251-1-A.- I.- The Decree establishing the list of versions having reached the minimum environmental score referred to in I(6)(c) of Article D. 251-1 shall be adopted on a proposal from the Environment and Energy Management Agency, after the latter has examined the file submitted by the manufacturer, as defined in Article 3 of Regulation (EU) 2018/858, on a national platform managed by this agency.

This file shall include the information and supporting documents necessary for the calculation of the environmental score, provided for in the joint decree of the ministers for economy, energy, ecology and transport referred to in the third subparagraph of I(6)(c) of Article D. 251-1.

If the version of the vehicle is assembled on several sites, or is equipped with batteries produced on several sites, the manufacturer shall submit to the Environment and Energy Management Agency this information and supporting documents for each of these sites.

Within 1 month of receipt of the file, the Agency shall verify that it is complete and shall request additional information and supporting documents. Otherwise, the file is deemed to be complete at the end of this period.

Within 45 days of receipt of the file, the Agency shall communicate to the ministers for economy, energy, ecology and transport its proposal on the environmental score of the version in question. In the event of a request for documents or additional information, this period shall be suspended during the time-limit prescribed for the production of the required documents and information.

Within 2 months of receipt of the file, the ministers for economy, energy, ecology and transport shall decide on the achievement of the minimum environmental score of the version by decree. In the event of a request for documents or additional information, this period shall be suspended during the time-limit prescribed for the production of the required documents and information.

II. At the end of this examination, the manufacturer whose version does not obtain the minimum environmental score as specified by the decree of the ministers for economy, energy, ecology and transport, provided for in I, may submit, under a derogation mechanism, a new file proposing values other than the reference values mentioned in I(6)(c) of Article D. 251-1, defined by decree of the ministers for economy, energy, ecology and transport. The manufacturer shall submit the information and supporting documents justifying these values on the national platform referred to in I. This information must provide evidence that the manufacturer does not treat the carbon footprint of vehicles intended for the European market differently, by specifically allocating low-carbon automotive parts and components to them.

Within 1 month of receipt of the file, the Environment and Energy Management Agency verifies that it is complete and requests additional information and supporting documents. Otherwise, the file is deemed to be complete at the end of this period.

Within 45 days of receipt of the file, the Environment and Energy Management Agency shall examine the file and communicate to the ministers for economy, energy and ecology its proposal on the achievement of the minimum environmental score by the version in question. In the event of a request for documents or additional information, this period shall be suspended during the time-limit prescribed for the production of the required documents and information.

Within 2 months of receipt of the file, the ministers for economy, energy, ecology and transport shall decide on the achievement of the minimum environmental score of the version by decree.

In the event of a request for documents or additional information, this period shall be suspended during the time-limit prescribed for the production of the required documents and information.

III. The manufacturer shall inform the Environment and Energy Management Agency without delay of any changes that could have an effect on the environmental score of the version.

Where appropriate, the Agency shall communicate to the ministers for economy, energy and ecology within 45 days of its notification by the manufacturer, its opinion on the maintenance of the version concerned on the list of versions reaching the minimum environmental score. If applicable, the joint decree of the ministers for economy, energy, ecology and transport referred to in the third subparagraph of I(6)(c) of Article D. 251-1 is amended for the version in question.

For a period of 2 years from the publication of the minimum environmental score eligibility decree, the Agency may request the manufacturer any additional supporting documents deemed necessary to verify compliance with the obligation laid down in the first subparagraph of this III or the accuracy of the detailed information previously communicated to it for the version in question.

Any fraud or failure to comply with the obligations laid down in this III shall be reported without delay by the Environment and Energy Management Agency to the ministers for economy, energy and ecology and transport. The joint decree of the ministers for economy, energy, ecology and transport referred to in the third subparagraph of I(6)(c) of Article D. 251-1 is amended for the versions concerned.

Those responsible for the said fraud are liable to the penalties and sanctions provided for in such a case by the Criminal Code, in particular in Articles 441-1 to 441-12 thereof.

IV.- The Environment and Energy Management Agency publishes and maintains on a dematerialised website the list of versions having achieved the minimum environmental score referred to in I(6)(c) of Article D. 251-1.”.

3. In Article D. 251-4(5)(b), the words: “, as defined in Article 2 of Commission Regulation (EU) No 1230/2012 of 12 December 2012” are deleted.

## **Article 2**

Where they are more advantageous, the provisions of Articles D. 251-1 to D. 251-13 of the Energy Code as drafted prior to Article 1 of this Decree shall remain applicable to vehicles which have not previously been the subject of a first registration in France and abroad, ordered or whose rental contract was signed before 15 December 2023 included, provided that their billing or payment of the first rent takes place on 15 March 2024 at the latest.

### **Article 3**

Articles 1 to 2 of this Decree enter into force on 10 October 2023.

### **Article 4**

Decree No 2023-886 of 19 September 2023 is repealed.

### **Article 5**

The Minister of Economy, Finance and Industrial and Digital Sovereignty, the Minister for Ecological Transition and Territorial Cohesion, the Minister for Energy Transition, the Minister attached to the Minister of Economy, Finance and Industrial and Digital Sovereignty, responsible for Public Accounts, and the Minister attached to the Minister for Ecological Transition and Territorial Cohesion, responsible for Transport, shall each be responsible for the execution of this Decree, which shall be published in the *Official Journal* of the French Republic.

Dated

By the Prime Minister:

Elisabeth BORNE

The Minister for Energy Transition,

Agnès PANNIER-RUNACHER

The Minister of Economy, Finance, and  
Industrial and Digital Sovereignty,

Bruno LE MAIRE

The Minister for Ecological Transition  
and Territorial Cohesion,

Christophe BECHU

The Minister attached to the Minister of  
Economy, Finance and Industrial and Digital  
Sovereignty, responsible for public accounts,

Thomas CAZENAVE

The Minister attached to the Minister for  
the Ecological Transition and Territorial  
Cohesion, responsible for transport,

Clément BEAUNE