

## **Draft Ordinance**

### **of the Federal Ministry for Economic Affairs and Climate Action**

## **Second Ordinance amending the Ordinance on Energy Consumption Labelling for Passenger Cars**

### **A. Problem and objective**

For passenger cars, the WLTP (Worldwide harmonised Light-duty vehicles Test Procedure) for measuring fuel consumption, CO<sub>2</sub> emissions and electricity consumption was introduced by Regulation (EU) 2017/1151. This replaces the previous NEDC test procedure (New European Driving Cycle).

Since 1 September 2017, the emission and consumption values measured on a chassis dynamometer in accordance with the WLTP have had to be indicated for all newly type-approved passenger car models in the European Union. Since 1 September 2018, these values have also had to be indicated for all newly-registered passenger cars. EU Member States must take into account the introduction of the new test procedure and make the necessary changes to national law with regard to the consumption labelling of new passenger cars.

### **B. Solution**

This Ordinance amending the Ordinance on Energy Consumption Labelling for Passenger Cars adapts and specifies the requirements of the Ordinance on Energy Consumption Labelling for Passenger Cars to align with Regulation (EU) 2017/1151.

### **C. Alternatives**

None.

### **D. Budgetary expenditure exclusive of compliance costs**

The Ordinance does not result in budgetary expenditure exclusive of compliance costs for the Federal Government or the Länder (including municipalities).

### **E. Compliance costs**

#### **E.1 Compliance costs for citizens**

Citizens are not affected.

#### **E.2 Compliance costs for businesses**

For businesses, annual compliance costs will increase by approximately EUR 159 000.

In total, there will be one-off costs of around EUR 75 000, arising from the introduction or adaptation of digital processes.

Change in annual compliance costs:	<b>EUR 159 400</b>
of which administrative costs arising from obligations to provide information:	<b>EUR 64 400</b>
One-off compliance costs:	<b>EUR 75 000</b>
of which costs arising from the introduction or adaptation of digital processes:	<b>EUR 75 000</b>

### **E.3 Compliance costs for the authorities**

No actual change in compliance costs is anticipated for the authorities. If the new right to obtain information provided for in § 8 is used by the market surveillance authorities in the Länder, additional compliance costs of EUR 22 700 could be incurred by the Länder. Juxtaposed to this is the general facilitation of market surveillance activities by the Länder, which the right to obtain information brings about. Enquiries in this respect would result in compliance costs for businesses.

Change in annual compliance costs:	<b>EUR 22 700</b>
of which incurred at state level:	<b>EUR 22 700</b>

### **F. Further costs**

No other direct or indirect costs will be incurred as a result of the amendment to the Ordinance on Energy Consumption Labelling for Passenger Cars. In particular, no impact on unit prices and price levels is anticipated.

# Draft Ordinance of the Federal Ministry for Economic Affairs and Climate Action

## Second Ordinance amending the Ordinance on Energy Consumption Labelling for Passenger Cars<sup>\*)</sup>

Dated ...

By virtue of § 4(1), § 4(2) subparagraph 2, § 4(3) subparagraphs 1, 3 and 5 to 7, and § 4(4) subparagraph 2 of the Energy Consumption Labelling Act of 10 May 2012 (Federal Law Gazette (BGBl.) I p. 1070), last amended by Article 264 of the Act of 19 June 2020 (BGBl. I p. 1328), the Federal Ministry for Economic Affairs and Climate Action, in agreement with the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, and the Federal Ministry for Digital and Transport, issues the following Ordinance:

### Article 1

#### Amendment to the Ordinance on Energy Consumption Labelling for Passenger Cars

The Ordinance on Energy Consumption Labelling for Passenger Cars of 28 May 2004 (BGBl. I p. 1037), last amended by Article 259 of the Ordinance of 19 June 2020 (BGBl. I p. 1328), is amended as follows:

1. The title of the Ordinance is worded as follows:

**‘Ordinance on Consumer Information regarding the Fuel Consumption, Electricity Consumption, CO<sub>2</sub> Emissions and Energy Costs of New Passenger Cars**

**(Ordinance on Energy Consumption Labelling for Passenger Cars – Pkw-EnVKV)‘.**

2. § 1 is worded as follows:

(1) ‘ If a manufacturer or a dealer displays a new passenger car, offers it for sale, long-term rental or leasing, or advertises it, they shall provide information about the new passenger cars:

1. fuel consumption;
2. CO<sub>2</sub> emissions;
3. energy costs where 15 000 kilometres per year are driven;
4. amount of motor vehicle tax;

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<sup>\*)</sup> Notified in accordance with 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 (OJ L 241, 17.9.2015, p. 1).

5. possible CO<sub>2</sub> costs over the next ten years where 15 000 kilometres per year are driven (CO<sub>2</sub> costs); and
6. CO<sub>2</sub> class or CO<sub>2</sub> classes.

For purely electrically powered vehicles and for externally rechargeable hybrid electric vehicles, the electricity consumption and electric range of the new passenger car must also be indicated.

(1) The following units shall be used in this respect:

1. For fuel consumption

- a) All liquid fuels: litres per 100 kilometres,
- b) Compressed natural gas: kilograms per 100 kilometres,
- c) Compressed hydrogen: kilograms per 100 kilometres,

2. For electricity consumption: kilowatt hours per 100 kilometres,

3. For CO<sub>2</sub> emissions: grams per kilometre,

4. For the electric range: kilometres,

5. For energy costs where 15 000 kilometres per year are driven: euros each year,

6. For motor vehicle tax: euros per year, and

7. For CO<sub>2</sub> costs: euros.

(1) For the information on fuel consumption of liquid fuels, the manufacturer must round the values originating from the certificate of conformity to one decimal place in accordance with normal business practice.

(2) For the information on fuel consumption of compressed natural gas and hydrogen, the manufacturer must convert the values originating from the certificate of conformity to kilograms per 100 kilometres. The conversion for compressed natural gas and hydrogen shall use the relevant reference density value set out in points 3.1.2 and 3.1.3 of Sub-Annex 7 of Annex XXI to 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 (EC) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1; L 209, 12.8.2017, p. 63; L 56, 28.2.2018, p. 66; L 2, 6.1.2020, p. 13; L 338, 15.10.2020, p. 12), as amended. The value converted into kilograms must be rounded to one decimal place in accordance with normal business practice.

(3) For the information on electricity consumption, the manufacturer must convert the values originating from the certificate of conformity to kilowatt hours per 100 kilometres. The value converted into kilowatt hours must be rounded to one decimal place in accordance with normal business practice.

(4) For the information on CO<sub>2</sub> emissions, the manufacturer must round the values originating from the certificate of conformity to a whole number in accordance with normal business practice.

(5) For the purposes of this Ordinance, 'certificate of conformity' means the certificate of conformity as defined in Article 3(5) of 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 (OJ L 151, 14.6.2018, p. 1; OJ L 210, 11.8.2022, p. 19), as amended.'

3. § 2 is worded as follows:

(1) ' For the purposes of this Ordinance

1. 'passenger car' means a motor vehicle of category M1 as defined in Article 4 of Regulation (EU) 2018/858, as amended; a special purpose vehicle as referred to in point 5 of Part A of Annex 1 to Regulation (EU) 2018/858 shall not be regarded as a passenger car;

2. a passenger car is 'new' if it has not yet been sold for any purpose other than that of resale or delivery; this can be assumed in the case of a passenger car which is type-approved and

a) the first registration of which for use on public roads, at the time at which the car is displayed or offered for sale, long-term rental or leasing or advertised, took place not more than eight months ago; or

b) has driven 1 000 kilometres or less;

3. a passenger car is regarded as being 'used' if it is not new;

4. 'model' means the commercial name of a vehicle type; in the case of several variants and versions of a vehicle type, the vehicles grouped under one model shall have at least the following characteristics in common:

a) make and commercial name in accordance with the certificate of conformity,

b) power plants with regard to the construction features referred to in point 1.2.1(b) and point 1.3.1(b) and (c) of Part B of Annex 1 to Regulation (EU) 2018/858:

a%6) the type of energy supply: internal combustion engine, electric motor, fuel cell or other,

b%6) in the case of an internal combustion engine, the working principle: positive ignition, compression ignition or other,

c%6) in the case of an internal combustion engine, the number and arrangement of cylinders: L4, V6 or other,

d%6) in the case of an internal combustion engine, the engine capacity, and

- e) in the case of an electric motor, the maximum engine power output or the maximum continuous rated power;
- c) number, position and interconnection of powered axles,
- d) type of bodywork referred to in point 2 of Part C of Annex I to Regulation (EU) 2018/858, for example notchback saloon, hatchback saloon, coupé, convertible, station wagon, multi-purpose vehicle, truck station wagon, and
- e) nature of the fuel or energy source;
5. 'WLTP value' means a value determined in accordance with the test procedures laid down in Regulation (EU) 2017/1151;
6. 'long-term rental' means the provision of use, for a fee, to a customer in a way other than leasing, of a new passenger car selected or configured model-specifically for a period of one month or more;
7. 'make' means the manufacturer's company name in accordance with the certificate of conformity;
8. 'vehicle identification number' means the internationally standardised 17-digit serial number in accordance with the certificate of conformity, with which a vehicle is uniquely identifiable;
9. 'manufacturer' means the manufacturer named in the certificate of conformity or, if that manufacturer is not established in Germany, its authorised representative in Germany;
10. 'dealer' means any person who commercially
- a) displays,
- b) offers for sale,
- c) offers for long-term rental, or
- d) offers for leasing passenger cars;
11. 'customer' means a person who visits a place of sale for the possible purchase, long-term rental or possible leasing of a passenger car in order to obtain information about the characteristics of a passenger car;
12. 'place of sale' means a physical place where new passenger cars are displayed or offered for sale, long-term rental or leasing, in particular a showroom or showground; trade fairs where new passenger cars are presented to the public are also considered places of sale; on the other hand, if the place is structurally or otherwise separate and is marked in such a way that it is clear to each and every customer that it is not intended for displaying new passenger cars, or for offering them for sale, for long-term rental or for leasing, the place is not a place of sale;
13. 'fuel' means liquid fuel or compressed natural gas; authoritative here is the fuel recommended by the manufacturer with the name that must be used for notification of fuel quality for the operation of motor vehicles in accordance with the

Ordinance on the Quality and Labelling of Fuels of 8 December 2010 (BGBl. I, p. 1849), as amended;

14. 'fuel consumption' means a new passenger car's consumption of liquid fuel, compressed natural gas or hydrogen as determined on the basis of Regulation (EU) 2017/1151;

15. 'other energy source' means electricity or hydrogen;

16. 'electricity consumption' means a new passenger car's consumption of electrical energy as determined on the basis of Regulation (EU) 2017/1151;

17. 'energy consumption' means a new passenger car's consumption of fuel, hydrogen or electrical energy determined on the basis of Regulation (EU) 2017/1151;

18. 'CO<sub>2</sub> emissions' means a new passenger car's specific CO<sub>2</sub> emissions determined on the basis of Regulation (EU) 2017/1151;

19. 'electric range' means the distance which can be travelled using electric power by purely electrically powered vehicles or externally rechargeable hybrid electric vehicles and determined on the basis of Regulation (EU) 2017/1151;

20. 'mass of the vehicle' means the actual mass of the vehicle, which corresponds to the mass of the vehicle when it is ready to drive plus the mass of any additional equipment attached to it;

21. 'passenger car with internal combustion engine' means a vehicle whose mechanical propulsion is wholly or partly based on a periodically operating heat engine powered by liquid fuels, compressed natural gas or hydrogen;

22. 'externally rechargeable hybrid electric vehicle' means a vehicle with an internal combustion engine and an electric motor, where the electricity requirement can also be met by external recharging in accordance with Regulation (EU) 2017/1151;

23. 'purely electrically powered vehicle' means a vehicle with a pure electric drive as defined in Article 2(34) of Regulation (EU) 2017/1151;

24. 'fuel cell vehicle' means a vehicle as defined in Article 2(36) of Regulation (EU) 2017/1151 with an electric drive, where the electricity is generated by a hydrogen fuel cell in the vehicle;

25. 'propulsion type' of a vehicle means the type of power plant (internal combustion engine, electric motor, plug-in hybrid, fuel cell);

26. 'advertising document' means any printed document used for marketing and advertising new passenger cars to the public for sale, long-term rental or leasing; this includes, in particular, technical instructions, brochures, advertisements in newspapers, magazines and trade journals and posters;

27. 'advertising material' means any form of information used for marketing and advertising new passenger cars to the public for sale, long-term rental or leasing; this also includes

- a) text, images and videos on websites, insofar as manufacturers, companies, organisations or persons offering new passenger cars for sale,

long-term rental or leasing are responsible for the content of the information, and

b) accounts on websites of trade fairs presenting new passenger cars to the public;

28. 'dissemination in electronic form' means the dissemination of information which is initially sent and received at its destination by means of equipment for the electronic processing and storage of data and is entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means;

29. 'online video portal' means a platform on the Internet that makes it possible to publish, evaluate or view audiovisual material;

30. 'electronic, magnetic or optical storage media' means any physical materials on which information can be recorded in electronic form and which can serve as an information tool for the public;

(1) The terms 'type', 'variant' and 'version' mean the subdivisions of a particular make specified by the manufacturer in accordance with Annex II B to Directive 70/156/EEC, as amended, which are uniquely identified by the type, variant and version numbers in alphanumeric code.

(2) The phase-specific values encompass the fuel consumption values or electricity consumption values 'City', 'Town', 'Rural' and 'Motorway'. In this respect,

1. 'City' means the fuel consumption value or electricity consumption value for the 'Low speed' test phase in accordance with Regulation (EU) 2017/1151;

2. 'Town' means the fuel consumption value or electricity consumption value for the 'Medium speed' test phase in accordance with Regulation (EU) 2017/1151;

3. 'Rural' means the fuel consumption value or electricity consumption value for the 'High speed' test phase in accordance with Regulation (EU) 2017/1151;

4. 'Motorway' means the fuel consumption value or electricity consumption value for the 'Extra high speed' test phase in accordance with Regulation (EU) 2017/1151;

5. 'Fuel consumption with discharged battery' means the fuel consumption value 'Charge-sustaining fuel consumption, combined' in accordance with Regulation (EU) 2017/1151 and

6. 'electricity consumption in purely electric operation' means the electricity consumption value 'Electric consumption EC, combined' in accordance with Annex I, Appendix 3, point 2.5.3.8.1 of Regulation (EU) 2017/1151.'

4. § 3 is amended as follows:

a) The heading is worded as follows:



§ 1'

Information on energy consumption and CO<sub>2</sub> emissions and display at place of sale'

b) Paragraph (1) is amended as follows:

a%6) In the part of the sentence before subparagraph 1, the words 'displays or offers for sale or leasing, is to ensure that,' are replaced by the words 'displays or offers for sale, long-term rental or leasing at a place of sale, shall ensure that,'.

b%6) Subparagraphs 1 and 2 are worded as follows:

1. ' an information sheet indicating the relevant energy consumption, CO<sub>2</sub> emissions, electric range, energy costs, motor vehicle tax, CO<sub>2</sub> costs and CO<sub>2</sub> classes of this vehicle,

a) is affixed to the vehicle on display, or

b) is placed in the immediate vicinity of the vehicle on display in such a way that the notice is clearly visible and can be clearly assigned to that vehicle; and

2. a notice is put up at the place of sale so as to be clearly visible, indicating the relevant energy consumption, CO<sub>2</sub> emissions, electric range and CO<sub>2</sub> classes of all models of new passenger cars on display at the place of sale or offered for sale, long-term rental or leasing at the place of sale.'

c%6) The following sentences are added:

'The information sheet referred to in the first sentence of subparagraph 1 shall meet the requirements set out in Annex 1. The notice referred to in the first sentence of subparagraph 2 shall meet the requirements set out in Annex 2.'

c) Paragraph (2) is worded as follows:

'The information sheet and notice referred to in paragraph (1) may also be provided electronically by means of an on-screen display insofar as they meet the other requirements set out in paragraph (1) and the requirements listed in Annex 1 (information sheet) and 2 (notice).'

d) In paragraph (3), the following sentence is added:

'Manufacturers shall include notification in the information that any deviation in equipment, but in particular a change in the wheel/tyre combination, may change the declared values.'

e) The following paragraph (4) is added:

(1) ' The obligations set out in paragraph (1) shall not apply to:

1. used passenger cars;

- 2. new passenger cars which have recognisably only been delivered to the place of sale very recently;
- 3. new passenger cars which are recognisably only at the place of sale temporarily for delivery to the buyer, the renter or the lessee; and
- 4. new passenger cars for which the manufacturer does not yet have any binding WLTP values.

However, the information sheet and the notice may be provided voluntarily. In the case of used passenger cars, voluntary labelling is only permitted with WLTP values. When labelling used passenger cars, the information sheet and notice must be clearly marked with the information that it is a used passenger car. In the case of new passenger cars for which the manufacturer does not yet have any binding WLTP values, the information sheet and notice must be clearly marked with the information that the declared values are provisional.'

5. § 3a is worded as follows:

'§ 3a

Allocation to a CO<sub>2</sub> class

(1) The manufacturer must allocate new passenger cars to one of the following CO<sub>2</sub> classes depending on the car's combined CO<sub>2</sub> emissions:

CO <sub>2</sub> class	Value of combined CO <sub>2</sub> emissions (in grams of CO <sub>2</sub> per kilometre)
A	0
B	1 to 95
C	96 to 115
D	116 to 135
E	136 to 155
F	156 to 175
G	176 and above

For externally rechargeable hybrid electric vehicles, the CO<sub>2</sub> class is to be indicated based on the value of the weighted combined CO<sub>2</sub> emissions and based on the value of the combined CO<sub>2</sub> emissions; the latter shall be specified as being 'with discharged battery'.

(2) When allocating an individual passenger car to a CO<sub>2</sub> class, the value of CO<sub>2</sub> emissions indicated in the certificate of conformity of that passenger car shall be authoritative.'

6. § 4 is worded as follows:

§ 1'

Guide on energy consumption and CO<sub>2</sub> emissions

(1) Manufacturers must designate a body that provides a guide on energy consumption and CO<sub>2</sub> emissions. Such designation can only be made with the consent of the Federal Ministry for Economic Affairs and Climate Action.

(2) The guide shall contain, for all models of new passenger cars displayed in Germany and offered for sale, long-term rental or leasing:

1. the relevant energy consumption;
2. the CO<sub>2</sub> emissions;
3. the electric range; and
4. the CO<sub>2</sub> class or CO<sub>2</sub> classes.

The guide shall be available only online.

(3) The guide must be updated by the designated body on 15 January and 15 July each year.

(4) The guide must meet the requirements set out in Annex 3. The draft Part I of the guide requires the approval of the Federal Ministry for Economic Affairs and Climate Action in agreement with the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection as well as the Federal Ministry of Digital and Transport. Such approval shall be deemed to have been granted if the Federal Ministry for Economic Affairs and Climate Action has not refused to grant approval within two months of receiving the draft. Receipt of the draft shall be confirmed to the applicant in writing without delay.

(5) Dealers and manufacturers shall make the guide on energy consumption and CO<sub>2</sub> emissions available to their customers at the point of sale without delay and free of charge upon request by

1. making it possible for the customer to view it in its entirety in electronic or printed form and by providing to the customer the Internet address at which the guide can be accessed, or by giving it to the customer
2. on an electronic, magnetic or optical storage medium.

(6) Manufacturers and those who bring new passenger cars to the market for sale on their own behalf without being a manufacturer shall provide the designated body referred to in paragraph (7) with the following information:

1. the commercial names
  - a) of all models of passenger cars that can be ordered or have been delivered in Germany at the time the guide is published; and
  - b) if already known, the models that they will bring to the market in Germany by the end of the current calendar year and the following calendar year; and
2. for each of the models named:

- a) the year it was first brought to the market;
- b) the engine capacity;
- c) the power output;
- d) the type;
- e) the transmission type;
- f) the mass;
- g) the type of fuel or the type of other energy source;
- h) the energy consumption;
- i) the CO<sub>2</sub> emissions;
- j) the CO<sub>2</sub> class or CO<sub>2</sub> classes; and
- k) the electric range.

Where several variants or versions are grouped under one model, the values of the variants or versions with the lowest and the highest values respectively shall be indicated for mass, energy consumption, CO<sub>2</sub> emissions and electric range. If there are different values within one variant or version, the highest value within the variant or version must be indicated. For the CO<sub>2</sub> classes, the CO<sub>2</sub> class of the variant or version with the most favourable and the CO<sub>2</sub> class of the variant or version with the least favourable CO<sub>2</sub> class shall be indicated. If one and the same variant or version belongs to different CO<sub>2</sub> classes because of varying key figures, the most unfavourable CO<sub>2</sub> class shall be indicated.

(7) The information shall be submitted in the first half of the year by the end of 30 June and shall be submitted in the second half of the year by the end of 31 December.'

7. § 5 is amended as follows:

- a) In paragraph (1), the words: 'official fuel consumption and official specific CO<sub>2</sub> emissions' are replaced by the words 'relevant energy consumption, and on CO<sub>2</sub> emissions and CO<sub>2</sub> classes' and the word 'Section' is replaced by the word 'Part'.
- b) Paragraph (2) is amended as follows:
  - a%6) In the part of the first sentence before subparagraph 1, the words 'first sentence shall apply, mutatis mutandis, to' are replaced by the words 'applies with the proviso that the information referred to in Part II of Annex 4 must be provided for advertising material which'.
  - b%6) In subparagraph 1, the words 'distributed advertising material' are deleted.
  - c%6) In subparagraph 2, the word 'advertising' is deleted and the semicolon ';' is replaced by an 'or'.
  - d%6) The following subparagraph 3 is inserted after subparagraph 2:

1. ' is disseminated online, including advertising on social media and online video portals.'

e%6) The previous second half of the sentence becomes the second sentence and is worded as follows:

'This does not include radio services and audiovisual media services as defined in Article 1(1)(a) of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (OJ L 95, 15.4.2010, p. 1); L 263, p. 15), last amended by Article 1 of Directive (EU) 2018/1808 (OJ L 303, 28.11.2018, p. 69).'

f%6) The previous second sentence is repealed.

c) Paragraph (3) is amended as follows:

a%6) The reference 'paragraph (3)' is replaced by the words 'paragraph (3), first and second sentences'.

b%6) The words 'advertising material intended for dissemination in electronic form and electronic, magnetic or optical storage media' are replaced by the words 'or advertising material'.

d) The following paragraph (4) is added:

(1) ' § 3(4), first sentence, subparagraph 4, and second and fifth sentences shall apply, mutatis mutandis.'

8. § 6 is worded as follows:

#### § 1'

#### Prohibition on the improper use of designations

It is prohibited to use, in information sheets and notices, in the guide, in advertising documents and in advertising materials, information, signs or symbols relating to energy consumption, CO<sub>2</sub> emissions, electric range, energy costs, motor vehicle tax, CO<sub>2</sub> costs or CO<sub>2</sub> class, which do not meet the respective requirements for information sheets pursuant to § 3(1), first sentence, subparagraph 1, and second sentence, for notices pursuant to § 3(1), first sentence, subparagraph 2 and third sentence, for the guide pursuant to § 4(2), first sentence and § 4(4), first sentence, for advertising documents pursuant to § 5(1) or for advertising material pursuant to § 5(2) first sentence, if such deviating information, signs or symbols are capable of

1. misleading the customer or recipient of the advertising about the information required under this Ordinance;
2. bringing about errors or misunderstandings about this information; or
3. limit the comparability of information about different new passenger cars.'

1. § 7 is amended as follows:

- a) Subparagraphs 1 and 2 are worded as follows:
1. 'contrary to the first sentence of § 3(1), does not ensure that an information sheet or a notice is affixed in a location specified in said provision;
  2. contrary to the first sentence of § 3(3), also in conjunction with § 5(3), or contrary to the first sentence of § 4(6), does not submit information, does not do so correctly, in the manner prescribed or on time;'
- a) In subparagraph 3, the reference 'paragraph (3)' is replaced by the reference 'paragraph (5)' and the word 'given' is replaced by the words 'made available to'.
- b) In subparagraph 4, the words 'paragraph (1), also in conjunction with paragraph (2),' are replaced by the reference 'paragraph (1), also in conjunction with the first sentence of paragraph (2);'.
- c) Subparagraph 5 is worded as follows:
1. 'contrary to § 6, uses information, a sign or a symbol.'

2. After § 7, the following § 8 is inserted:

§ 1'

**Obligation of the manufacturer to disclose information to the market surveillance authorities**

At the request of the relevant market surveillance authorities, the manufacturer must notify them of all models they offer for sale, long-term rental or leasing or display in Germany at the time of request,

1. which variants or versions listed in the certificate of conformity are grouped under the model concerned, and
2. all information listed in § 1(1) for the respective variant or version of the respective model, and
3. the manufacturer code (HSN) and type code (TSN) of variants and versions of a model.

Such notification must be made within four weeks. The four-week period starts on the day on which the request is received by the dealer. The information shall be provided in a common, machine-readable format.'

1. The previous § 8 becomes § 9 and is worded as follows:

§ 1'

**Transitional arrangements concerning the continued use of advertising material**

(1) Advertising on the Internet can still be used until [insert: date of the first day of the third month following the entry into force of this Ordinance] in accordance with the requirements of the Ordinance on Energy Consumption Labelling for Passenger

Cars in the version applicable until [insert: date of the day before the entry into force of this Ordinance].

(2) Advertising documents and electronic, magnetic or optical storage media may still be used until [insert: date of the first day of the sixth month following the entry into force of this Ordinance] in accordance with the requirements of the Ordinance on Energy Consumption Labelling for Passenger Cars in the version applicable until [insert: date of the day before the entry into force of this Ordinance].

(3) Online archives containing advertising on the Internet or websites containing advertising material that is no longer actively used do not need to be updated, provided that the advertising on the Internet was placed before [insert: date of the entry into force of this Ordinance].'

1. The previous § 8a becomes § 10 and is worded as follows:

§ 1'

Other transitional arrangements

(1) Information sheets pursuant to § 3(1), first sentence, subparagraph 1 and notices pursuant to § 3(1), first sentence, subparagraph 2 may, until [insert: date of the first day of the third month following the entry into force of this Ordinance], continue to meet the requirements of the Ordinance on Energy Consumption Labelling for Passenger Cars in the version applicable until [insert: date of the day before the entry into force of this Ordinance].

(2) Until 14 July 2024, the guide referred to in § 4 may continue to meet the requirements laid down in the Ordinance on Energy Consumption Labelling for Passenger Cars in the version applicable until [insert: date of the day before the entry into force of this Ordinance].'

1. The previous § 9 and the closing formula are repealed.
2. The following § 11 is inserted after § 10:

§ 1'

Further development of the Ordinance on Energy Consumption Labelling for Passenger Cars

(1) After [insert: date of the day before the entry into force of this Ordinance], the Federal Ministry for Economic Affairs and Climate Action shall review the Ordinance on Energy Consumption Labelling for Passenger Cars. The review shall focus in particular on:

1. the possible introduction of energy consumption classes for electric vehicles;
2. the design of an additional template for vehicles powered using only CO<sub>2</sub> neutral fuels (RFNBOs) ('e-fuel-only' vehicles);
3. a label for used vehicles;

4. clearer indication of charges over the life cycle of the vehicle
  - a) due to CO<sub>2</sub> pricing of energy sources and
  - b) due to motor vehicle tax, and
5. clearer indication of life-cycle emissions of energy sources.

(2) On the basis of the review, the Federal Ministry for Economic Affairs and Climate Action shall publish report containing proposals for the further development and modification of the Ordinance on Energy Consumption Labelling for Passenger Cars and shall propose an amendment to this Ordinance by no later than the first quarter of 2025.'

1. Annex 1 (to § 3(1), first sentence, subparagraph 1) is worded as follows:

**'Information sheet on the energy consumption and CO<sub>2</sub> emissions of  
new passenger cars**

**Part I**

**Content and design of the information sheet**

1. The size of the information sheet shall be 297 mm x 210 mm (DIN A4).
2. The information sheet shall be drawn up uniformly in accordance with the templates set out in Part II. On the information sheet, a font other than that used in the templates may also be used if:
  - a) the font colour remains unchanged;
  - b) the minimum font size that is to be used is maintained; and
  - c) the selected font is also used uniformly for the other information provided about the vehicle at the place of sale.

Unless expressly specified otherwise below, all information on the information sheet must be in black on a white background.
3. Information sheet headings ('Information sheet on energy consumption and CO<sub>2</sub> emissions of the new passenger car') must be in bold with a font size of 26 pt. Where labelling is provided voluntarily for used passenger cars, the heading must be changed to 'Information on energy consumption and CO<sub>2</sub> emissions of the used passenger car' and must be in bold with a font size of 26 pt. Where labelling is provided voluntarily for new passenger cars, for which the manufacturer does not yet have binding WLTP values, the word '(provisional)' must be added to the heading, in bold and with a font size of 26 pt.
4. After the heading, the following information about the relevant vehicle shall be provided in the first box:
  - a) make ('make' as per in point 0.1 of the certificate of conformity);
  - b) commercial name ('commercial name' as per point 0.2.1 of the certificate of conformity);



- c) the propulsion type of the passenger car; and
- d) fuel ('fuel' as per point 26 of the certificate of conformity, distinguished only by the terms petrol, diesel or compressed natural gas and, where appropriate, other energy sources; for petrol and diesel fuels, the addition 'sulphur-free' can be dispensed with).

The information in this box should have a font size of 16 pt, and must not be smaller than 14 pt.

5. Indicated in the second box shall be values associated with the relevant vehicle for

- a) energy consumption (consumption of liquid fuel, compressed natural gas, hydrogen or electricity) ('CO<sub>2</sub> emissions/fuel consumption/electricity consumption' as per point 49.1 of the certificate of conformity; and
- b) CO<sub>2</sub> emissions ('CO<sub>2</sub> emissions/fuel consumption/electricity consumption' as per point 49.1 of the certificate of conformity).

The combined values are authoritative in this respect. However, in the case of externally rechargeable hybrid electric vehicles, the weighted combined values are authoritative ('CO<sub>2</sub> emissions/fuel consumption/electricity consumption' as per point 49.4 of the certificate of conformity). In the case of purely electrically powered vehicles and fuel cell vehicles with hydrogen as their energy source, '0' is entered when specifying the CO<sub>2</sub> emissions. This entry shall be accompanied by a footnote indicating that only CO<sub>2</sub> emissions resulting from the operation of the vehicle are taken into account.

If it is a purely electrically powered vehicle, the electric range shall also be indicated ('electric range' as per point 49.2 of the certificate of conformity). In the case of externally rechargeable hybrid electric vehicles, the electric range value EAER (Equivalent All Electric Range) shall be indicated in accordance with point 4.5.7.3 of Sub-Annex 8 of Annex XXI to Regulation (EU) 2017/1151 ('electric range EAER' as per point 49.5 of the certificate of conformity).

The information in this box should have a font size of 16 pt, and must not be smaller than 14 pt.

6. In the left-hand part of the third box, which shall have a width of at least two thirds of the width of the page, a graphical representation using the CO<sub>2</sub> classes laid down in § 3a shall be provided for the relevant vehicle, under the heading 'CO<sub>2</sub> class' and the note 'Based on CO<sub>2</sub> emissions, combined'. In the case of externally rechargeable hybrid electric vehicles, the note reads 'Based on CO<sub>2</sub> emissions, weighted combined' and 'with discharged battery' to the right. The vehicle shall be allocated to the respective CO<sub>2</sub> class depending on its CO<sub>2</sub> emissions. The graphical representation shall correspond to the templates set out in Part II. In the respect, the following colour compositions for the representation of CO<sub>2</sub> classes shall be used:

- A 100 % Cyan, 100 % Yellow
- B 70 % Cyan, 100 % Yellow
- C 30 % Cyan, 100 % Yellow
- D 100 % Yellow

- E 30 % Magenta, 100 % Yellow
- F 70 % Magenta, 100 % Yellow
- G 100 % Magenta, 100 % Yellow

The CO<sub>2</sub> class of the motor vehicle is indicated by an arrow shown in black, the tip of which is exactly opposite the relevant CO<sub>2</sub> class. The black arrow bears the labelling letter of the relevant CO<sub>2</sub> class against the white background. The black arrow must not be smaller than the arrow indicating the CO<sub>2</sub> class, and must not be more than twice as large.

In the case of externally rechargeable hybrid electric vehicles, a second arrow to the right of the first arrow shall be provided. The second arrow indicates the CO<sub>2</sub> emissions with discharged battery (value for 'combined (sustaining)' as per point 49.4 of the certificate of conformity). The two arrows shall be visually separated from each other by a vertical black line.

The information in this box should have a font size of 16 pt, and must not be smaller than 14 pt.

7. Further information on energy consumption is to be included in right-hand part of the third box.

For all externally rechargeable hybrid electric vehicles, the following shall be indicated:

- a) the combined value and the phase-specific values for 'electricity consumption in purely electrical operation' as per point 49.4 of the certificate of conformity; and
- b) the combined value and the phase-specific values for 'fuel consumption with discharged battery' as per point 49.4 of the certificate of conformity.

For externally rechargeable hybrid electric vehicles fuelled with compressed natural gas, the fuel consumption shall be indicated in kg per 100 km.

For the propulsion types internal combustion engine or fuel cell, the following shall be indicated:

- a) the combined value shown in point 49.1 of the certificate of conformity; and
- b) the phase-specific fuel consumption values shown in point 49.1 of the certificate of conformity.

For purely electrically powered vehicles, the following shall be indicated:

- a) the combined value shown in point 49.1 of the certificate of conformity; and
- b) the phase-specific electricity consumption values shown in point 49.1 of the certificate of conformity.

The font size of the information in this box must not be smaller than 12 pt.

8. Next, in the fourth box, the energy costs where 15 000 kilometres are driven per year shall be specified (fuel price, hydrogen price or electricity price

and for externally rechargeable hybrid electric vehicles, fuel and electricity prices). The energy costs shall be determined by multiplying the relevant average price of the relevant energy source announced by the Federal Ministry for Economic Affairs and Climate Action by the energy consumption of the respective vehicle and the factor 150. For the relevant average price of the energy source, the prices that the Federal Ministry for Economic Affairs and Climate Action last published in the Federal Gazette on 30 June 2023 must initially be used. In the future, for the first time on 30 June 2024, the Federal Ministry for Economic Affairs and Climate Action will publish the relevant price information annually on its website. This will be updated every year by 30 June. The current prices shall be applied to new passenger cars displayed or offered for sale, long-term rental or leasing after 30 June, no later than from 1 October of each year. The price list covers fuels within the meaning of the Ordinance on the Quality and Labelling of Fuels, as amended, and electricity, provided that a current market price can be established for the respective fuel or for hydrogen or for the electricity. The relevant year and the underlying average fuel, electricity or hydrogen price for that year shall be indicated in brackets below the annual energy costs.

Then the CO<sub>2</sub> costs shall be indicated as ‘Possible CO<sub>2</sub> costs over the next 10 years (15 000 km/year). Underneath this, a distinction is to be made between three different possible CO<sub>2</sub> costs, to highlight the uncertainties in predicting CO<sub>2</sub> pricing. The CO<sub>2</sub> price used for each calculation must be indicated. The CO<sub>2</sub> costs shall be accompanied by a footnote indicating that the assumed CO<sub>2</sub> price is uncertain, and therefore the calculations have been based on three different CO<sub>2</sub> prices over the relevant ten-year period. The years in which this period begins and ends shall be indicated. In addition, the footnote shall indicate that the actual CO<sub>2</sub> prices may be both higher or lower than in the underlying model calculations and that CO<sub>2</sub> costs are to be paid with fuel costs when refuelling. For further information, the footnote shall refer to a corresponding information platform.

Three different values indicating CO<sub>2</sub> costs are to be calculated. Each calculation is based on a different assumed average CO<sub>2</sub> price for the ten-year period. The CO<sub>2</sub> costs must each be calculated by multiplying one of the assumed average CO<sub>2</sub> prices announced by the Federal Ministry for Economic Affairs and Climate Action by the CO<sub>2</sub> emissions of the respective motor vehicle and the factor 0.15. The result is to be rounded to two decimal places in accordance with normal business practice. For the calculation of the CO<sub>2</sub> costs to be indicated, the following assumed average CO<sub>2</sub> prices shall initially be used:

CO <sub>2</sub> costs	Assumed average CO <sub>2</sub> price in euros per tonne
Indication 1	115.00
Indication 2	50.00
Indication 3	190.00

In the future, for the first time on 30 June 2024, the Federal Ministry for Economic Affairs and Climate Action in agreement with the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection as well as the Federal Ministry for Digital and Transport shall publish the updated relevant assumed average CO<sub>2</sub> prices annually on its website. The CO<sub>2</sub> prices will be updated every year by 30 June. The current prices shall be applied to new passenger cars displayed or offered for sale, long-term rental or leasing after 30 June, no later than from 1 October of each year. As long as no updated CO<sub>2</sub> prices have been published, the most recently published CO<sub>2</sub> prices are authoritative. The first year of the ten-year period is the year following the publication.

Finally, the motor vehicle tax (annual tax) for the respective vehicle must be indicated. Where vehicles are exempt from motor vehicle tax because of vehicle-specific characteristics, the exemption shall be indicated by the entry 'temporarily tax exempt' in the template set out in Part II and shall be accompanied by a footnote indicating the end of the temporary period. If the Motor Vehicle Tax Act stipulates a limited period of time, depending on the first registration date of the vehicle, for claiming a motor vehicle tax exemption, the registration must be made no later than at the end of the limited period of time.

The font size of the information in this box must not be smaller than 12 pt.

9. Then, in the fifth box, the explanatory notes listed in Part II, Templates 1 to 5, shall be included and supplemented at the correspondingly marked places (website of the body designated by the manufacturers and the start and end year of the ten-year period authoritative for CO<sub>2</sub> costs). The font size of this information must not be less than 10 pt.

10. Below the fifth box, the vehicle identification number (as per point 0.10 of the certificate of conformity) shall be indicated on the left and the date the information sheet was created on the right. The font size of this information must not be less than 10 pt.

## Part II


### Template for the information sheet on the energy consumption and CO<sub>2</sub> emissions of new passenger cars

The following templates 1 to 5 outline the requirements for the information sheets with respect to different drive and fuel combinations. The figures are shown in a smaller size.

1. Template 1 for passenger cars with internal combustion engines, powered by liquid fuels

Template 1 for passenger cars with internal combustion engines, powered by liquid fuels

## Information on the energy consumption and CO<sub>2</sub> emissions of the new passenger car

<b>Make:</b> <b>Propulsion type:</b> Combustion engine <b>Fuel:</b> [Petrol/diesel/LPG]	<b>Commercial name:</b>  <b>Other energy source:</b> N/A
<b>Energy consumption (combined):</b> <span style="float: right;">l/100 km</span> <b>CO<sub>2</sub> emissions (combined):</b> <span style="float: right;">g/km<sup>1</sup></span>	
<b>CO<sub>2</sub> class</b> Based on CO <sub>2</sub> emissions (combined)  	<b>Other information:</b>  <b>Fuel consumption combined</b> <span style="float: right;">l/100 km</span> - City <span style="float: right;">l/100 km</span> - Town <span style="float: right;">l/100 km</span> - Rural <span style="float: right;">l/100 km</span> - Motorway <span style="float: right;">l/100 km</span>
<b>Energy costs where 15 000 km are driven per year:</b> <span style="float: right;">EUR/year</span> (Fuel price: _____ EUR/l (Annual average [Year]))	
<b>Possible CO<sub>2</sub> costs over the next 10 years (15 000 km/year):</b> <sup>2)</sup>	
- where the assumed medium average CO <sub>2</sub> -price is _____ EUR/t: <span style="float: right;"><b>EUR</b></span> - where the assumed low average CO <sub>2</sub> price is _____ EUR/t: <span style="float: right;">EUR</span> - where the assumed high average CO <sub>2</sub> price is _____ EUR/t: <span style="float: right;">EUR</span>	
<b>Motor vehicle tax:</b> <span style="float: right;">EUR/year</span>	
<p>The information is provided in accordance with the Ordinance on Energy Consumption Labelling for Passenger Cars. The values indicated were determined using the prescribed WLTP (Worldwide harmonised Light-duty vehicles Test Procedure). Fuel consumption and CO<sub>2</sub> emission of a passenger car depend not only on the efficient use of the fuel by the car, but also on the driving style and other non-technical factors. CO<sub>2</sub> is the greenhouse gas primarily responsibility for global warming.</p> <p>A guide on fuel consumption and CO<sub>2</sub> emissions for all new passenger car models offered in Germany can be viewed free of charge in electronic form at any place of sale in Germany where new passenger cars are displayed or offered. The guide is also available here: [Internet address of the body designated by the manufacturers].</p> <p><sup>1)</sup> Only CO<sub>2</sub> emissions arising from the operation of the car are indicated. CO<sub>2</sub> emissions generated or avoided during the production and provision of the car, fuel and energy sources are not taken into account when determining CO<sub>2</sub> emissions using WLTP.</p> <p><sup>2)</sup> Fuel costs may increase in the future because of CO<sub>2</sub> pricing. The future CO<sub>2</sub> price developments are uncertain, so the possible CO<sub>2</sub> costs have been calculated based on three assumed CO<sub>2</sub> prices for the period ____ to _____. Actual CO<sub>2</sub> prices may be both higher and lower than in the underlying model calculations. The CO<sub>2</sub> costs are to be paid with fuel costs when refuelling. For more information, visit <a href="http://www.alternativ-mobil.info">www.alternativ-mobil.info</a>.</p>	


Vehicle identification number (VIN):

created on:

2. Template 2 for passenger cars with internal combustion engines, powered by compressed methane

Template 2 for passenger cars with internal combustion engines, powered by compressed methane

## Information on the energy consumption and CO<sub>2</sub> emissions of the new passenger car

<b>Make:</b> <b>Propulsion type:</b> Combustion engine <b>Fuel:</b> [Natural gas]	<b>Commercial name:</b>  <b>Other energy source:</b> N/A
<b>Energy consumption (combined):</b> _____ l/100 km <b>CO<sub>2</sub> emissions (combined):</b> _____ g/km <sup>1</sup>	
<b>CO<sub>2</sub> class</b> Based on CO <sub>2</sub> emissions (combined)  	<b>Other information:</b>  <b>Fuel consumption combined</b> _____ l/100 km - City _____ l/100 km - Town _____ l/100 km - Rural _____ l/100 km - Motorway _____ l/100 km
<b>Energy costs where 15 000 km are driven per year:</b> _____ EUR/year (Fuel price: _____ EUR/l (Annual average [Year]))	
<b>Possible CO<sub>2</sub> costs over the next 10 years (15 000 km/year):</b> <sup>2)</sup>	
- where the assumed medium average CO <sub>2</sub> -price is _____ EUR/t: _____ EUR - where the assumed low average CO <sub>2</sub> price is _____ EUR/t: _____ EUR - where the assumed high average CO <sub>2</sub> price is _____ EUR/t: _____ EUR	
<b>Motor vehicle tax:</b> _____ EUR/year	
<p>The information is provided in accordance with the Ordinance on Energy Consumption Labelling for Passenger Cars. The values indicated were determined using the prescribed WLTP (Worldwide harmonised Light-duty vehicles Test Procedure). Fuel consumption and CO<sub>2</sub> emission of a passenger car depend not only on the efficient use of the fuel by the car, but also on the driving style and other non-technical factors. CO<sub>2</sub> is the greenhouse gas primarily responsibility for global warming.</p> <p>A guide on fuel consumption and CO<sub>2</sub> emissions for all new passenger car models offered in Germany can be viewed free of charge in electronic form at any place of sale in Germany where new passenger cars are displayed or offered. The guide is also available here: [Internet address of the body designated by the manufacturers].</p> <p><sup>1)</sup> Only CO<sub>2</sub> emissions arising from the operation of the car are indicated. CO<sub>2</sub> emissions generated or avoided during the production and provision of the car, fuel and energy sources are not taken into account when determining CO<sub>2</sub> emissions using WLTP.</p> <p><sup>2)</sup> Fuel costs may increase in the future because of CO<sub>2</sub> pricing. The future CO<sub>2</sub> price developments are uncertain, so the possible CO<sub>2</sub> costs have been calculated based on three assumed CO<sub>2</sub> prices for the period ____ to _____. Actual CO<sub>2</sub> prices may be both higher and lower than in the underlying model calculations. The CO<sub>2</sub> costs are to be paid with fuel costs when refuelling. For more information, visit <a href="http://www.alternativ-mobil.info">www.alternativ-mobil.info</a>.</p>	

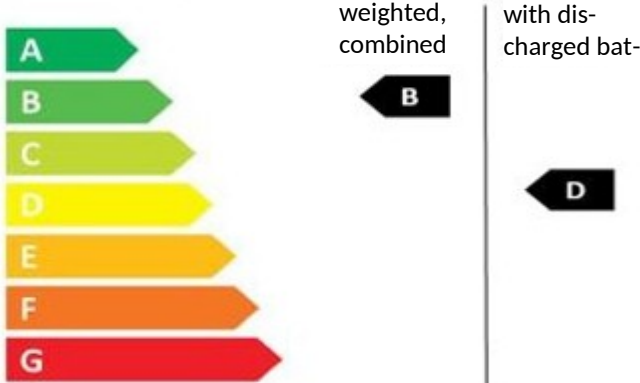
Vehicle identification number (VIN): \_\_\_\_\_

created on: \_\_\_\_\_

### 3. Template 3 for passenger cars with externally rechargeable hybrid electric drives

Template 3 for passenger cars with externally rechargeable hybrid electric drives

## Information on the energy consumption and CO<sub>2</sub> emissions of the new passenger car

<b>Make:</b>	<b>Commercial name:</b>	
<b>Propulsion type:</b> Plug-in hybrid		
<b>Fuel:</b> [Petrol/diesel/LPG]	<b>Other energy source:</b>	Electricity
<b>Energy consumption</b> (weighted, combined):	kWh/100 plus	l/100 km
<b>CO<sub>2</sub>-emissions</b> (weighted, combined):		g/km <sup>1)</sup>
<b>Electric range (EAER):</b>		km
<b>CO<sub>2</sub> class</b> Based on CO <sub>2</sub> emissions 	<b>Other information:</b>  <b>Electricity consumption in purely electrical operation, combined</b> l/100 km - City l/100 km - Town l/100 km - Rural l/100 km - Motorway l/100 km  <b>Fuel consumption with discharged battery, combined</b> l/100 km - City l/100 km - Town l/100 km - Rural l/100 km - Motorway l/100 km	
<b>Energy costs where 15 000 km are driven per year:</b> EUR/year (Fuel price: EUR/l, electricity price: ct/kWh (yearly average) [Year])		
<b>Possible CO<sub>2</sub> costs over the next 10 years (15 000 km/year):</b> <sup>2)</sup>		
- where the assumed medium average CO <sub>2</sub> -price is ___ EUR/t:		EUR
- where the assumed low average CO <sub>2</sub> price is ___ EUR/t:		EUR
- where the assumed high average CO <sub>2</sub> price is ___ EUR/t:		EUR
<b>Motor vehicle tax:</b>		EUR/year
The information is provided in accordance with the Ordinance on Energy Consumption Labelling for Passenger Cars. The values indicated were determined using the prescribed WLTP (Worldwide harmonised Light-duty vehicles Test Procedure). Fuel consumption and CO <sub>2</sub> emission of a passenger car depend not only on the efficient use of the fuel by the car, but also on the driving style and other non-technical factors. CO <sub>2</sub> is the greenhouse gas primarily responsibility for global warming. A guide on fuel consumption and CO <sub>2</sub> emissions for all new passenger car models offered in Germany can be viewed free of charge in electronic form at any place of sale in Germany where new passenger cars are displayed or offered. The guide is also available here: [Internet address of the body designated by the manufacturers]. <sup>1)</sup> Only CO <sub>2</sub> emissions arising from the operation of the car are indicated. CO <sub>2</sub> emissions generated or avoided during the production and provision of the car, fuel and energy sources are not taken into account when determining CO <sub>2</sub> emissions using WLTP. <sup>2)</sup> Fuel costs may increase in the future because of CO <sub>2</sub> pricing. The future CO <sub>2</sub> price developments are uncertain, so the possible CO <sub>2</sub> costs have been calculated based on three assumed CO <sub>2</sub> prices for the period ___ to ___. Actual CO <sub>2</sub> prices may be both higher and lower than in the underlying model calculations. The CO <sub>2</sub> costs are to be paid with fuel costs when refuelling. For more information, visit <a href="http://www.alternativ-mobil.info">www.alternativ-mobil.info</a> .		

Vehicle identification number (VIN):


created on:



4. Template 4 for passenger cars with purely electric drives

Template 4 for passenger cars with purely electric drives

## Information on the energy consumption and CO<sub>2</sub> emissions of the new passenger car

<b>Make:</b>	<b>Commercial name:</b>										
<b>Propulsion type:</b> Electric motor											
<b>Fuel:</b> N/A	<b>Other energy source:</b> Electricity										
<b>Energy consumption (combined):</b>	l/100 km										
<b>CO<sub>2</sub> emissions (combined):</b>	g/km <sup>1)</sup>										
<b>Electric range:</b>	km										
<p><b>CO<sub>2</sub> class</b> Based on CO<sub>2</sub> emissions (combined)</p> 	<p><b>Other information:</b></p> <p><b>Electricity consumption, combined</b></p> <table style="width: 100%; border: none;"> <tr> <td></td> <td style="text-align: right;">l/100 km</td> </tr> <tr> <td>- City</td> <td style="text-align: right;">l/100 km</td> </tr> <tr> <td>- Town</td> <td style="text-align: right;">l/100 km</td> </tr> <tr> <td>- Rural</td> <td style="text-align: right;">l/100 km</td> </tr> <tr> <td>- Motorway</td> <td style="text-align: right;">l/100 km</td> </tr> </table>		l/100 km	- City	l/100 km	- Town	l/100 km	- Rural	l/100 km	- Motorway	l/100 km
	l/100 km										
- City	l/100 km										
- Town	l/100 km										
- Rural	l/100 km										
- Motorway	l/100 km										
<b>Energy costs where 15 000 km are driven per year:</b> EUR/year											
(Electricity price: EUR/l (Annual average [Year]))											
<b>Possible CO<sub>2</sub> costs over the next 10 years (15 000 km/year):</b> <sup>2)</sup> EUR											
- where the assumed medium average CO <sub>2</sub> -price is ____ EUR/t:	EUR										
- where the assumed low average CO <sub>2</sub> price is ____ EUR/t:	EUR										
- where the assumed high average CO <sub>2</sub> price is ____ EUR/t:	EUR										
<b>Motor vehicle tax:</b>	EUR/year <sup>3)</sup>										
<p>The information is provided in accordance with the Ordinance on Energy Consumption Labelling for Passenger Cars. The values indicated were determined using the prescribed WLTP (Worldwide harmonised Light-duty vehicles Test Procedure). Fuel consumption and CO<sub>2</sub> emission of a passenger car depend not only on the efficient use of the fuel by the car, but also on the driving style and other non-technical factors. CO<sub>2</sub> is the greenhouse gas primarily responsibility for global warming.</p> <p>A guide on fuel consumption and CO<sub>2</sub> emissions for all new passenger car models offered in Germany can be viewed free of charge in electronic form at any place of sale in Germany where new passenger cars are displayed or offered. The guide is also available here: [Internet address of the body designated by the manufacturers].</p> <p><sup>1)</sup> Only CO<sub>2</sub> emissions arising from the operation of the car are indicated. CO<sub>2</sub> emissions generated or avoided during the production and provision of the car, fuel and energy sources are not taken into account when determining CO<sub>2</sub> emissions using WLTP.</p> <p><sup>2)</sup> Fuel costs may increase in the future because of CO<sub>2</sub> pricing. The future CO<sub>2</sub> price developments are uncertain, so the possible CO<sub>2</sub> costs have been calculated based on three assumed CO<sub>2</sub> prices for the period ____ to _____. Actual CO<sub>2</sub> prices may be both higher and lower than in the underlying model calculations. The CO<sub>2</sub> costs are to be paid with fuel costs when refuelling. For more information, visit <a href="http://www.alternativ-mobil.info">www.alternativ-mobil.info</a>.</p> <p><sup>3)</sup> Where the electric vehicle is registered for the first time between 18 May 2011 and 31 December 2025, the tax exemption is granted for 10 years from the date of initial registration, but no longer than until 31 December 2030.</p>											

Vehicle identification number (VIN):

created on:




5. Template 5 for a fuel cell vehicle

Template 5 for fuel cell passenger cars

## Information on the energy consumption and CO<sub>2</sub> emissions of the new passenger car

<b>Make:</b>	<b>Commercial name:</b>
<b>Propulsion type:</b> Fuel cell	
<b>Fuel:</b> N/A	<b>Other energy source:</b> Hydrogen

<b>Energy consumption (combined):</b>	l/100 km
<b>CO<sub>2</sub> emissions (combined):</b>	g/km <sup>1)</sup>

<p><b>CO<sub>2</sub> class</b> Based on CO<sub>2</sub> emissions (combined)</p> 	<p><b>Other information:</b></p> <p><b>Electricity consumption, combined</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: right;">l/100 km</td> </tr> <tr> <td>- City</td> <td style="text-align: right;">l/100 km</td> </tr> <tr> <td>- Town</td> <td style="text-align: right;">l/100 km</td> </tr> <tr> <td>- Rural</td> <td style="text-align: right;">l/100 km</td> </tr> <tr> <td>- Motorway</td> <td style="text-align: right;">l/100 km</td> </tr> </table>		l/100 km	- City	l/100 km	- Town	l/100 km	- Rural	l/100 km	- Motorway	l/100 km
	l/100 km										
- City	l/100 km										
- Town	l/100 km										
- Rural	l/100 km										
- Motorway	l/100 km										

<b>Energy costs where 15 000 km are driven per year:</b>	EUR/year
(Hydrogen price: EUR/l (Annual average [Year]))	
<b>Possible CO<sub>2</sub> costs over the next 10 years (15 000 km/year):</b> <sup>2)</sup>	
- where the assumed medium average CO <sub>2</sub> -price is ___ EUR/t:	<b>EUR</b>
- where the assumed low average CO <sub>2</sub> price is ___ EUR/t:	EUR
- where the assumed high average CO <sub>2</sub> price is ___ EUR/t:	EUR
<b>Motor vehicle tax:</b>	EUR/year

The information is provided in accordance with the Ordinance on Energy Consumption Labelling for Passenger Cars. The values indicated were determined using the prescribed WLTP (Worldwide harmonised Light-duty vehicles Test Procedure). Fuel consumption and CO<sub>2</sub> emission of a passenger car depend not only on the efficient use of the fuel by the car, but also on the driving style and other non-technical factors. CO<sub>2</sub> is the greenhouse gas primarily responsible for global warming.

A guide on fuel consumption and CO<sub>2</sub> emissions for all new passenger car models offered in Germany can be viewed free of charge in electronic form at any place of sale in Germany where new passenger cars are displayed or offered. The guide is also available here: [Internet address of the body designated by the manufacturers].

<sup>1)</sup> Only CO<sub>2</sub> emissions arising from the operation of the car are indicated. CO<sub>2</sub> emissions generated or avoided during the production and provision of the car, fuel and energy sources are not taken into account when determining CO<sub>2</sub> emissions using WLTP.

<sup>2)</sup> Fuel costs may increase in the future because of CO<sub>2</sub> pricing. The future CO<sub>2</sub> price developments are uncertain, so the possible CO<sub>2</sub> costs have been calculated based on three assumed CO<sub>2</sub> prices for the period \_\_\_ to \_\_\_. Actual CO<sub>2</sub> prices may be both higher and lower than in the underlying model calculations. The CO<sub>2</sub> costs are to be paid with fuel costs when refuelling. For more information, visit [www.alternativ-mobil.info](http://www.alternativ-mobil.info).

Vehicle identification number (VIN):

created on:

:

1. Annex 2 (to § 3(1), first sentence, subparagraph 2) is amended as follows:

a) The heading of Annex 2 is worded as follows:

**'Notice at the place of sale on the energy consumption  
and CO<sub>2</sub> emissions of new passenger cars'.**

b) The words 'Section I' are replaced by the words 'Part I'.

c) Part I is amended as follows:

a%6) The following sentences are added to subparagraph 2:

'The date on which the notice was created shall be displayed horizontally at the bottom of the notice. The font size of this information must not be less than 11 pt'.

a%6) In subparagraph 3, the term 'passenger motor vehicles' is replaced by the term 'passenger cars'.

b%6) In subparagraph 4, the term 'fuel consumption' is replaced by the term 'energy consumption', the term 'electricity consumption' is replaced by the term 'CO<sub>2</sub> classes' and the term 'or can be ordered' is deleted.

c%6) Subparagraph 5 is worded as follows:

1. ' The models of new passenger cars shall be listed in groups, separated by type of fuel or other energy sources. For each type of fuel or for other energy sources, the individual models shall be listed in ascending order according to the combined or weighted combined values for CO<sub>2</sub> emissions in the test cycle, with the model having the most favourable CO<sub>2</sub> class and having the lowest combined or weighted combined value for fuel consumption or electricity consumption at the top. Externally rechargeable hybrid electric vehicles shall form a separate group.'

a%6) Subparagraph 6 is worded as follows:

1. ' For each model in the list, the following shall be indicated:

- a) the make ('make' as per in point 0.1 of the certificate of conformity);
- b) the commercial name ('commercial name' as per point 0.2.1 of the certificate of conformity);
- c) the engine capacity;
- d) the power output ('maximum output' as per point 27 of the certificate of conformity);
- e) the fuel ('fuel' as per point 26 of the certificate of conformity) distinguished only by:
  - a%6) petrol,
  - b%6) diesel,
  - c%6) compressed natural gas, or
  - d%6) where applicable, other sources of energy;

for petrol and diesel fuels, the addition 'sulphur-free' can be dispensed with,

- f) the CO<sub>2</sub> class or CO<sub>2</sub> classes,
- g) the combined energy consumption value (as per point 49.1 of the certificate of conformity) or, in the case of externally rechargeable hybrid electric vehicles, the weighted combined energy consumption value (as per point 49.4 of the certificate of conformity), and
- h) the combined value for CO<sub>2</sub> emissions ('CO<sub>2</sub> emissions' as per point 49.1 of the certificate of conformity) or, in the case of externally rechargeable hybrid electric vehicles, the weighted combined value for CO<sub>2</sub> emissions ('CO<sub>2</sub> emissions' as per point 49.4 of the certificate of conformity).

For dual-fuel models of new passenger cars, the above information shall be entered for all fuels.

For models of new passenger cars with purely electric drives, the electric range ('electric range' as per point 49.2 of the certificate of conformity) must also be indicated.

For models of externally rechargeable hybrid electric vehicles, the following must also be indicated:

- a) the combined value for 'fuel consumption with discharged battery', and
- b) the combined value for 'electricity consumption in purely electric operation' (as per point 49.4 of the certificate of conformity),
- c) when indicating the power, the following shall be indicated separately:
  - a) the power output of the internal combustion engine ('maximum net power' as per point 27.1 of the certificate of conformity),
  - b) the power of the electric motor ('maximum net power' as per point 27.3 of the certificate of conformity), and
- d) the electric range EAER ('electric range EAER' as per point 49.5 of the certificate of conformity).

Where several variants or versions are grouped under one model, the values of the variants or versions with the lowest and the highest values respectively shall be indicated for energy consumption, CO<sub>2</sub> emissions and electric range. If there are different values within one variant or version, the highest value within the variant or version must be indicated. For the CO<sub>2</sub> classes, the CO<sub>2</sub> class of the variant or version with the most favourable and the CO<sub>2</sub> class of the variant or version with the least favourable CO<sub>2</sub> class shall be indicated. If one and the same variant or version belongs to different CO<sub>2</sub> classes because of varying key figures, the most unfavourable CO<sub>2</sub> class shall be indicated.

If labelling is provided voluntarily for a new passenger car for which the manufacturer does not yet have binding WLTP values, the information shall be additionally marked with the word '(provisional)'.

a%6) In subparagraph 7, the reference 'Section I' shall be replaced by the reference 'Part I', after the reference 'subparagraph 5' the word 'additionally' is inserted and the word 'information' is replaced by the word 'values'.

b%6) Subparagraph 8 is amended as follows:

a%7%7) The reference 'Section I subparagraph 6' is replaced by the reference 'Part I subparagraph 9' and the word 'clearly' by the word 'easily'.

b%7%7) The following sentence is added: 'The font size of this information must not be less than 11 pt.'

d) The reference 'Section II' is replaced by the reference 'Part II'.

e) Part II is amended as follows:

a%6) In the second sentence of subparagraph 1, the term 'just as strongly' is replaced by the term 'in the same way'.

b%6) In the first sentence of subparagraph 2, after the word 'must' the term 'have a screen diagonal of' is inserted and the term 'be 25 cm x 32 cm (17 inches) in size' is replaced by the term '17 inches'.

c%6) Subparagraph 3 is worded as follows:

1. ' The requirements set out in subparagraphs 2 to 8 of Part I for the notice shall apply, mutatis mutandis, when a screen is used, with the proviso that it must be ensured that the information listed in Annex 1 Part I subparagraph 9 is permanently visible.'

a%6) The previous subparagraph 3(b) becomes subparagraph 4 and the following sentence is added:

'The information shall be updated at least every three months. The date of the last update shall be indicated.'

2. Annex 3 (to § 4(2) first sentence) is amended as follows:

a) The heading of Annex 3 is worded as follows:

'Guide on the energy consumption and CO<sub>2</sub> emissions of new passenger cars'.

a) The sentence before Part I is worded as follows:

'The guide on the energy consumption and CO<sub>2</sub> emissions of new passenger cars shall contain the following information as a minimum:'.

a) Part I is amended as follows:

a%6) In subparagraph 1, the words 'A warning to drivers that fuel consumption and CO<sub>2</sub> emissions' are replaced by the words 'a warning that energy consumption (consumption of fuel, hydrogen and electricity) and CO<sub>2</sub> emissions'.

b%6) In subparagraph 2, the words 'based on current scientific findings and applicable legislation' are replaced by the words 'on the basis of current scientific findings and applicable legislation'.

c%6) In subparagraph 3, the words 'European Communities for' are replaced by the words 'European Union concerning'.

d%6) Subparagraph 4 is worded as follows:

1. ' reference to the European Commission's online guide on energy consumption and CO<sub>2</sub> emissions, if such a guide is available.'

b) Part II is amended as follows:

a%6) In subparagraph 1, after the word 'provision' the words 'of the vehicle and' are inserted and the words 'and/or' are replaced in each case by the word 'or'.

b%6) Subparagraph 2 is worded as follows:

1. 'a list of all models of new passenger cars offered or displayed in Germany, broken down by make in alphabetical order.'

c%6) Subparagraph 3 is worded as follows:

1. ' for each model listed in the guide, the following shall be indicated:
  - a) the engine capacity;
  - b) the power output ('maximum output' as per point 27 of the certificate of conformity);
  - c) the type;
  - d) the transmission type;
  - e) the mass of the vehicle ('actual mass of the vehicle' as per point 13.2 of the certificate of conformity)
  - f) the fuel ('fuel' as per point 26 of the certificate of conformity) distinguished only by:
    - a%6) petrol,
    - b%6) diesel,
    - c%6) compressed natural gas, or
    - d%6) where applicable, other sources of energy;

for petrol and diesel fuels, the addition 'sulphur-free' can be dispensed with,

- g) the combined value and phase-specific values for energy consumption ('fuel consumption/electricity consumption' as per point 49.1 of the certificate of conformity) or, in the case of externally rechargeable hybrid electric vehicles, the weighted combined value and the phase-specific values for energy consumption (as per point 49.4 of the certificate of conformity),
- h) the combined value for CO<sub>2</sub> emissions ('CO<sub>2</sub> emissions' as per point 49.1) or, in the case of externally rechargeable hybrid electric vehicles, the weighted combined value for CO<sub>2</sub> emissions ('CO<sub>2</sub> emissions' as per point 49.4 of the certificate of conformity), and
- i) the CO<sub>2</sub> class or CO<sub>2</sub> classes, and
- j) the year it was first brought to the market.

For dual-fuel models of passenger cars, the above information shall be entered for all fuels.

For models of passenger cars with purely electric drives, the electric range ('electric range' as per point 49.2 of the certificate of conformity) must also be indicated.

For models of externally rechargeable hybrid electric vehicles, the following must also be indicated:

- a) the combined value and phase-specific values for 'fuel consumption with discharged battery',
- b) the combined value and the phase-specific values for 'electricity consumption in purely electric operation' (as per point 49.4 of the certificate of conformity),
- c) when indicating the power, the following shall be indicated separately:
  - a) the power output of the internal combustion engine ('maximum net power' as per point 27.1 of the certificate of conformity),
  - b) the power of the electric motor ('maximum net power' as per point 27.3 of the certificate of conformity), and
- d) the electric range EAER ('electric range EAER' as per point 49.5 of the certificate of conformity).

Where several variants or versions are grouped under one model, the values of the variant or version with the lowest and the highest values respectively shall be indicated for energy consumption, CO<sub>2</sub> emissions and electric range. If there are different values within one variant or version, the highest value within the variant or version must be indicated. For the CO<sub>2</sub> classes, the CO<sub>2</sub> class of the variant or version with the most favourable and the CO<sub>2</sub> class of the variant or version with the least favourable CO<sub>2</sub> class shall be indicated. If one and the same variant or version belongs to different CO<sub>2</sub> classes because of varying values, the most unfavourable CO<sub>2</sub> class shall be indicated.'

a%6) Subparagraph 4 is worded as follows:

1. ' separately for each type of fuel, for hydrogen and for electricity, a highlighted list of the ten most economical models of new passenger cars, indicating CO<sub>2</sub> classes, the combined or weighted combined value for energy consumption and the combined or weighted combined value for CO<sub>2</sub> emissions, starting with the model having the lowest values for CO<sub>2</sub> emissions. In the case of purely electrically powered vehicles, a list of the ten most economical models of new passenger cars shall, however, be included, indicating the combined electricity consumption and electric range, starting with the model with the lowest consumption values.'

c) The sentence following Part II is repealed.

3. Annex 4 (to § 5) is amended as follows:

a) The heading of Annex 4 (to § 5) is worded as follows:

**'Information in advertising on energy consumption and CO<sub>2</sub> emissions of new passenger cars'**

b) The words 'Section I' are replaced by the words 'Part I'.

c) Part I is amended as follows:

a%6) Subparagraph 1 is worded as follows:

1. ' For the models of new passenger cars referred to in advertising documents, the following shall be indicated:
  - a) the combined value for energy consumption (as per point 49.1 of the certificate of conformity) or, in the case of externally rechargeable hybrid electric vehicles, the weighted combined value for energy consumption (as per point 49.4 of the certificate of conformity),
  - b) the combined value for CO<sub>2</sub> emissions ('CO<sub>2</sub> emissions' as per point 49.1 of the certificate of conformity) or, in the case of externally rechargeable hybrid electric vehicles, the weighted combined value for CO<sub>2</sub> emissions ('CO<sub>2</sub> emissions' as per point 49.4 of the certificate of conformity), and
  - c) the CO<sub>2</sub> class or CO<sub>2</sub> classes.

For models of externally rechargeable hybrid electric vehicles, the combined value for 'fuel consumption with discharged battery' (as per point 49.4 of the certificate of conformity) shall also be indicated.

Where several variants or versions are grouped under one model, the values of the variant or version with the lowest and the highest values respectively shall be indicated for energy consumption and CO<sub>2</sub> emissions. If there are different values within one variant or version, the highest value within the variant or version must be indicated For the CO<sub>2</sub> classes, the CO<sub>2</sub> class of the variant or version with the most favourable and the CO<sub>2</sub> class of the variant or version with the least



favourable CO<sub>2</sub> class shall be indicated. If one and the same variant or version belongs to different CO<sub>2</sub> classes because of varying values, the most unfavourable CO<sub>2</sub> class shall be indicated.'

a%6) Subparagraph 2 is worded as follows:

2. ' The information must be easily legible and not highlighted any less than the main part of the advertising message. The information shall be easy to understand when read at a glance.'

a%6) In subparagraph 3, the words 'fuel consumption and CO<sub>2</sub> values' are replaced by the words 'values listed in subparagraph 1'.

b%6) Subparagraph 4 is deleted.

d) The words 'Section II Advertising material disseminated in electronic form' are replaced by the words 'Part II Electronic advertising'.

e) Part II is worded as follows:

1. ' Part I shall apply, mutatis mutandis, to models of new passenger cars that are advertised
  - a) through advertising material disseminated in electronic form,
  - b) through advertising by electronic, magnetic or optical storage media, or
  - c) through advertising on the Internet (including advertising on social media and online video portals).
2. It must be ensured that the information referred to in subparagraph 1 of Part I is brought to the attention of the advertising recipient at the moment at which information on motor parameters, such as motor power, capacity or acceleration is first displayed to them. CO<sub>2</sub> classes should be indicated in at least the same font size as the information referred to in the first sentence. Even if the advertising recipient is not given any information on motor parameters, the information must still be communicated to them.
3. Anyone who, as a manufacturer or dealer for the purpose of distance selling, offers models of new passenger cars for sale, long-term rental or leasing online, shall, in addition to the information referred to in subparagraph 1, provide the information set out in Annex 1 in the description of the model or of the variant or version. Information does not have to be provided twice. The requirements shall be deemed to have been met if the relevant template set out in Annex 1 Part II is provided for the information. The vehicle identification number (as per point 9 of Part 1 of Annex 1) does not have to be indicated in this case. The information must be easily legible. It must be ensured that the information is provided to the customer no later than at the moment at which they have completed configuration of a specific motor vehicle.
4. In the case of advertising as referred to in subparagraph 1c), it shall not constitute an infringement if the mandatory information is not or is only partially visible solely because of the technical display of the respective platform on which the advertising is carried out, through no fault of the manufacturer or the dealer.'



- f) Section III is repealed.

## **Article 2**

### **Entry into force**

This Ordinance shall enter into force on [insert: date of the first day following promulgation].

## **Explanatory notes**

### **A. General part**

#### **I. Objective of and need for the provisions**

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), last amended by Commission Regulation (EU) 2020/49 of 21 January 2021 (OJ L 17, 22.1.2020, p. 1), introduced the new WLTP (Worldwide harmonised Light-duty vehicles Test Procedure) for the measurement of fuel consumption, CO<sub>2</sub> emissions and electricity consumption. This replaces the previous NEDC test procedure (New European Driving Cycle). Since 1 September 2017, the emission and consumption values measured on a chassis dynamometer in accordance with the WLTP have had to be indicated for all newly type-approved passenger car models in the European Union. Since September 2018, the WLTP values have had to be indicated for all newly registered passenger cars.

Member States must take into account the introduction of the new test procedure and make the necessary changes to national law with regard to the consumption labelling of new passenger cars. This is being done by means of this Ordinance amending the Ordinance on Energy Consumption Labelling for Passenger Cars (Ordinance amending the Pkw-EnVKV). The Pkw-EnVKV serves to provide information to consumers, in particular about the energy consumption and CO<sub>2</sub> emissions of new passenger cars, which has been measured using the new, more realistic WLTP method. In addition to this change, a classification system including a graphical representation (colour scale) is being introduced, for categorising new passenger cars according to the level of their absolute CO<sub>2</sub> emissions per kilometre driven. This CO<sub>2</sub> classification replaces the previous efficiency class system, which, in addition to specific CO<sub>2</sub> emissions, also took into account the individual vehicle weight. The aim of the Pkw-EnVKV is to contribute to consumers opting for lower-consumption and low-emission vehicle models more often than in the past when buying new cars.

In addition, gaps relating to the content and design of advertising for new passenger cars are being closed with regard to advertising opportunities in digital media. In this context, too, there is a need for consumers to be fully informed about the characteristics of passenger cars, as online sales portals and virtual sales rooms, for example, are gaining in importance and, like social media, can have a decisive influence on purchasing decisions. The requirements for advertising are being extended accordingly to digital media.

#### **II. Main content of the draft**

The changes to the Pkw-EnVKV enable consumers to be informed about important energy consumption and emissions data, as well as the electric range and the annual energy costs of new passenger cars. The data underlying this information comes mainly from official documentation for the type-approval of new passenger cars and can therefore be checked with comparatively little effort. The consumption and emissions data indicated is

based on the official measurement results using the new, more realistic WLTP test method.

By extending the requirements for the content and design of advertising to also cover advertising in digital media, it is also ensured that consumers can obtain comprehensive and direct information online on important energy consumption and emission data as well as electric ranges and energy costs for new passenger cars.

### **III. Alternatives**

No alternative initiatives, for example from the Länder or from among Bundestag members, have been presented. No other possibilities are apparent; the changes are based on European law requirements.

### **IV. Regulatory power**

Pursuant to § 4(1), § 4(2) subparagraph 2, § 4(3) subparagraphs 1, 3 and 5 to 7 and § 4(4) subparagraph 2 of the Act on Energy Consumption Labelling, the Federal Ministry for Economic Affairs and Climate Action, in agreement with the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, as well as the Federal Ministry for Digital and Transport and with the assent of the Bundesrat, shall adopt ordinances transposing, specifying and implementing the legal acts adopted by the European Union in the field of consumption labelling in order to better inform consumers and thereby encourage them to be more economical in their consumption of energy and other important resources as well as reduce CO<sub>2</sub> emissions.

### **V. Compatibility with European Union law and international treaties**

The draft Ordinance is compatible with European Union legislation and treaties under international law concluded by the Federal Republic of Germany.

### **VI. Consequences of the legislation**

The amendments to the Pkw-EnVKV serve to improve consumer information according to the WLTP on new passenger cars. The aim of the Pkw-EnVKV is to contribute to consumers opting for more efficient vehicle models when purchasing new cars more often than in the past. This is another step towards sustainable development in the transport sector. Unintended secondary effects are not expected.

#### **1. Legal and administrative simplification**

The Ordinance does not provide for any legislative or administrative simplification. The data underlying the labelling obligation comes mainly from official documentation for the type-approval of new passenger cars and can therefore be checked with comparatively little effort; this and the newly introduced right of the Länder-level market surveillance authorities to be obtain information from manufacturers of passenger cars should facilitate the work of the market surveillance authorities.

#### **2. Sustainability aspects**

The Ordinance meets the Federal Government's requirements for sustainable development in line with the national sustainability strategy. The indicators relevant to this Ordinance are outlined below.

The regulatory initiative has an impact on emissions of air pollutants (Indicator 3.2.a) of Germany's National Sustainable Development Strategy by providing transparent information on CO<sub>2</sub> emissions to diversify energy sources in transport and ultimately reduce emissions of air pollutants.

The regulatory initiative contributes to the achievement of the targets for the share of renewable energies in the gross final energy consumption (Indicator 7.2.a) of Germany's National Sustainable Development Strategy by informing consumers about the energy costs in the transport sector and thus potentially enabling them to make better choices for the use of clean propulsion systems and energy sources.

The regulatory initiative contributes to the achievement of the targets for the share of renewable energy sources in gross electricity consumption (Indicator 7.2.b) of Germany's National Sustainable Development Strategy by informing consumers about energy costs in the transport sector and thus potentially enabling them to opt for clean propulsion systems when buying vehicles.

The regulatory initiative is expected to have an impact on energy consumption and CO<sub>2</sub> emissions from consumption (Indicator 12.1.b) of Germany's National Sustainable Development Strategy by educating consumers about alternative energy sources and them considering opting for the use of vehicles with alternative propulsion systems.

The regulatory initiative contributes to the achievement of the targets for greenhouse gas emissions (Indicator 13.1.a) of Germany's National Sustainable Development Strategy by supporting the use of alternative energy sources through transparency of the respective costs.

### 3. Budgetary expenditure exclusive of compliance costs

The Ordinance does not result in budgetary expenditure exclusive of compliance costs for the Federal Government or the Länder (including municipalities).

### 4. Compliance costs

#### 4.1 Compliance costs for citizens

There are no compliance costs for citizens; they are not affected by the legal changes.

#### 4.2 Compliance costs for businesses

Estimated compliance costs for businesses with regard to the individual requirements are outlined below.

aa) Obligation to provide information (Requirement 1): Provision of information to the market surveillance authority; § 8 Pkw-EnVKV

Annual compliance costs:

Number of cases	Time req. per case (in minutes)	Hourly wage (in EUR)	Material costs per case (in EUR)	Personnel costs (in EUR thousand)	Material costs (in EUR thousand)
750	60	85.90	0	64.4	0
Compliance costs (in EUR thousand)				64.4	

Under § 8 Pkw-EnVKV, manufacturers are required, at the request of the market surveillance authority, to notify the authority of (i) which variants or versions listed in the certificate of conformity are grouped under the model concerned, (ii) all information listed in

§ 1(1) for the respective variant or version of the respective model, and (iii) the manufacturer code (HSN) and type code (TSN) of variants and versions of a model. For most passenger cars, the information provided in the information sheet can be checked against the information in the notice, in the guide and in the certificate of conformity; in these cases, no request for information will be made to manufacturers and therefore no actual compliance costs will result from this requirement. If, however, (for example in cases of new passenger cars not yet included in the notice and the guide and for which the certificate of conformity is not available) the market surveillance authorities may request information from the manufacturers, and a maximum number of 750 requests per year is expected.

Manufacturers will need about 60 minutes to compile the necessary documents in a common machine-readable format. The compilation of documents will be carried out by staff with a high level of qualification. Manufacturers (of motor vehicles and parts of motor vehicles) are classified in the C29 (WZ 2008) sector. The wage level is set over all companies, namely EUR 85.90.

This requirement can therefore result in compliance costs for businesses, the amount of which is dependent on the actual number of requests by the market surveillance authority for manufacturers to provide information. Possible compliance costs amount to around EUR 64 000.

Possible compliance costs:  $750 \times 60 \text{ minutes} / 60 \times \text{EUR } 85.90 = \text{EUR } 64\,425$ .

bb) (Requirement 2): One-off conversion costs incurred by manufacturers for software adaptations; § 3(1), first sentence, subparagraph 1 Pkw-EnVKV

One-off compliance costs:

Number of cases	Time req. per case (in minutes)	Hourly wage (in EUR)	Material costs per case (in EUR)	Personnel costs (in EUR thousand)	Material costs (in EUR thousand)
50	480	150	0	60	0
Compliance costs (in EUR thousand)				60	

To increase transparency around one-off compliance costs for businesses and to define these costs more specifically, they are assigned to one or more categories:

Category of one-off compliance costs	One-off compliance costs accounted for by category	
	Personnel costs (in EUR thousand)	Material costs (in EUR thousand)
Introduction or adaptation of digital processes	60	0

By changing the content and the design of the information sheet, automotive manufacturers and the German Energy Agency (dena) will incur one-off compliance costs. dena has been commissioned by the Federal Ministry for Economic Affairs and Climate Action to provide a software tool for creating the information sheet in accordance with the requirements of the Pkw-EnVKV. The software for creating the information sheet must be adapted and programmed according to the new requirements. This tool is available to the public on the website [www.alternativ-mobil.de](http://www.alternativ-mobil.de).

The information shown on the information sheet is generally available to manufacturers, as the data to be indicated comes mainly from official documentation for the type-approval of new passenger cars. Furthermore, it can be assumed that the previously implemented

solution of automatically generating the printable label by entering the vehicle identification number will continue to be used.

Each car manufacturer uses its own software for this obligation to provide information and will incur one-off conversion/programming costs.

The number of cases is based on the number of all car manufacturers represented in Germany/operating on the German market<sup>1)</sup>, plus dena. This results in 50 cases in total.

In order to determine the conversion or in this case programming costs, it is assumed that the existing applications that car manufacturers have will have to be adapted to the new requirements once in accordance with the requirements.

It can be assumed that the programming of the new information sheet can be implemented in one person's working day. Accordingly, the calculation of the conversion cost is based on 8 hours or 480 minutes. In order to calculate the one-off personnel costs, the wage rate of a programmer is put at EUR 150/hour<sup>2)</sup>.

Since there are no additional material costs per case, total costs arise from the personnel cost calculation of EUR 60 000.

$$50 \text{ adjustments} \times (480 \text{ minutes}/60) \times \text{EUR } 150 = \text{EUR } 60\,000$$

cc) Requirement 3: Producing and updating the guide by Deutsche Automobil Treuhand GmbH (DAT); § 4(1) Pkw-EnVKV

Annual compliance costs:

Number of cases	Time req. per case (in minutes)	Hourly wage (in EUR)	Material costs per case (in EUR)	Personnel costs (in EUR thousand)	Material costs (in EUR thousand)
1			95,000	0	95
Compliance costs (in EUR thousand)				95	

One-off compliance costs:

Number of cases	Time req. per case (in minutes)	Hourly wage (in EUR)	Material costs per case (in EUR)	Personnel costs (in EUR thousand)	Material costs (in EUR thousand)
1	0	0	15,000		15
Compliance costs (in EUR thousand)					

To increase transparency around one-off compliance costs for businesses and to define these costs more specifically, they are assigned to one or more categories:

Category of one-off compliance costs	One-off compliance costs accounted for by category	
	Personnel costs (in EUR thousand)	Material costs (in EUR thousand)
Introduction or adaptation of digital pro-	15	0

<sup>1)</sup> List from the Federal Motor Transport Authority; Source: [https://www.kba.de/SharedDocs/Downloads/DE/Statistik/Fahrzeuge/FZ17/fz17\\_2022.pdf?\\_\\_blob=publicationFile&v=4](https://www.kba.de/SharedDocs/Downloads/DE/Statistik/Fahrzeuge/FZ17/fz17_2022.pdf?__blob=publicationFile&v=4) (last retrieved on: 13/02/2023); new registrations of passenger cars by make and model series in January 2022 (FZ 17)

<sup>2)</sup> Source: Federal Statistical Office of Germany; Standard time values for calculating compliance costs

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On behalf of manufacturers, DAT currently produces a uniform guide on fuel consumption, CO<sub>2</sub> emissions and electricity consumption and makes this available online. DAT also updates this guide every six months. The costs of production and six-monthly updating are borne by manufacturers in full. Accordingly, manufacturers incur ongoing material costs for the production and updating of the guide. According to DAT, the average annual material costs amount to EUR 95 000. In addition, one-off material costs of EUR 15 000 will be incurred for the initial production of the guide.

As a result, this requirement results in ongoing material costs for businesses of around EUR 95 000 and one-off material costs of around EUR 15 000.

#### 4.3 Compliance costs for the authorities

Estimated compliance costs for the authorities with regard to the individual requirements are outlined below.

Requirement: market surveillance authority request for information from manufacturers; § 8 Pkw-EnVKV

Number of cases	Time req. per case (in minutes)	Hourly wage (in EUR)	Material costs per case (in EUR)	Personnel costs (in EUR thousand)	Material costs (in EUR thousand)
750	30	66.10	0	22.7	0
Compliance costs (in EUR thousand)				22.7	

Pursuant to § 8 Pkw-EnVKV, the market surveillance authorities of the Länder are entitled to request information from manufacturers for enforcement purposes. For most passenger cars, the information provided in the information sheet can be checked against the information in the notice, in the guide and in the certificate of conformity; in these cases, no request for information will be made to manufacturers and therefore no actual compliance costs will result from this requirement. If the market surveillance authorities do however request information from manufacturers, a maximum number of 750 requests per year is expected.

A staff member at *höherer Dienst* level will need approximately 30 minutes to complete each request for information from manufacturers. Therefore, for this requirement, a time expenditure of 30 minutes must be applied, together with an average wage rate for a *höherer Dienst* level staff member in the Länder, in accordance with the labour cost table for the authorities, of EUR 66.10.

This requirement can therefore result in compliance costs for the authorities, the amount of which is dependent on the actual number of requests by the market surveillance authority for manufacturers to provide information. Possible compliance costs amount to around EUR 23 000.

Possible compliance costs: 750 x 30 minutes x EUR 66.10 = EUR 22 690.

#### 5. Additional costs

No other direct or indirect costs are anticipated as a result of the amendment to the Pkw-EnVKV, in particular no impact on individual prices and price levels.

## **6. Further consequences of the legislation**

The draft enables the consumer to obtain information on important energy consumption and emissions data as well as electric ranges and energy costs for new passenger cars, both broadly and in detail. The corresponding data originates almost exclusively from official documentation concerning the type-approval of new passenger cars. The new WLTP test cycle, which is reflected in the Pkw-EnVKV, also provides more realistic data compared to the past. Impacts on equality policy and demographic issues are not expected.

## **VII. Time limit; evaluation**

There is no provision for a time limit. It is expected that the European Commission will propose an amendment to Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new passenger cars and on further information. Following the entry into force of the amended Directive, national transposition will be required, which should also bring about renewed amendment and adaptation of the Pkw-EnVKV. An evaluation is therefore not considered necessary.

In view of technological developments and the increasing market penetration of vehicles with electrified propulsion, the Federal Ministry for Economic Affairs and Climate Action will be reviewing the Pkw-EnVKV to determine any need for adaptation in accordance with review mandate provided for in § 11. The Federal Ministry for Economic Affairs and Climate Action will publish a report on this containing proposals for further development and amendment. In particular, it will be examined whether the energy consumption of electrified vehicles should be indicated by means of different energy consumption classes and whether the labelling requirement should be extended to include further information such as information on the life cycle costs of the vehicle due to CO<sub>2</sub> pricing of energy sources and motor vehicle tax. In addition, it will be examined to what extent used passenger cars are to be included in the scope of the Ordinance and whether radio services and audiovisual media services under the second sentence of § 5(2) should continue to be exempted from the labelling requirement. The Federal Ministry for Economic Affairs and Climate Action will consult the Länder and trade associations with respect to this report and the proposals it contains and, in light of the findings made, will propose an amendment to this Ordinance by the first quarter of 2025 at the latest.

## **B. Specific part**

### **Article 1 (Amendment to the Ordinance on Energy Consumption Labelling for Passenger Cars)**

#### **Subparagraph 1**

The title of the Ordinance is being changed to: 'Ordinance on Consumer Information regarding the Fuel Consumption, Electricity Consumption, CO<sub>2</sub> Emissions and Energy Costs of New Passenger Cars (Ordinance on the Energy Consumption Labelling of Passenger Cars – Pkw-EnVKV)' This clarifies that the Ordinance also informs consumers about the energy costs of new passenger cars.

#### **Subparagraph 2**

Paragraph (1) is being reworded and contains, in the first sentence, an exhaustive list of the information that manufacturers or dealers must fundamentally provide under the Ordi-



nance. The second sentence clarifies that electricity consumption and the electric range must be indicated only for cars with the propulsion types specified.

Energy costs are to be indicated in the future for an annual distance driven of 15 000 km. This is closer to the average distance driven in passenger cars registered in Germany than the previous distance of 20 000 km. The information calculated on this basis thus provides consumers with more realistic information on the average expected energy costs of the new car that is on display or being advertising for sale.

Specifying energy costs at an annual distance driven of 15 000 km as well as motor vehicle tax can help consumers to calculate, on the basis of historical data, the total costs incurred for the vehicle over the entire duration they are using it. In this respect, a comparison between different vehicle models and/or different types of propulsion is made possible.

Future cost burdens from the CO<sub>2</sub> pricing of fossil fuels over the service life of the vehicle should be made clearer when buying a car. According to studies and scenarios, a significant increase in CO<sub>2</sub> prices is expected, which consumers will have to bear together with fuel costs. According to the Federal Motor Transport Authority (KBA), the average age of cars registered in Germany is around ten years. Therefore, the assumed CO<sub>2</sub> costs over the next ten years at a distance driven of 15 000 kilometres shall also be indicated (defined as CO<sub>2</sub> costs). The method for calculating CO<sub>2</sub> costs based on assumed future CO<sub>2</sub> prices and the procedure for the future publication of the assumed future CO<sub>2</sub> prices by the Federal Ministry for Economic Affairs and Climate Action are explained in Annex 1.

Paragraph (2) is being reworded. It is being restructured and governs only the units to be used. The further key figure-specific requirements are laid down in paragraphs (3) to (6). Requirements are being added for indicating the units to be used for hydrogen in subparagraph 1(c), namely kg per 100 kilometres, for indicating the electric range in subparagraph 4, namely in kilometres, for energy costs in subparagraph 5, namely in euros in the respective year, for motor vehicle tax in subparagraph 6, namely in euros in the respective year and for CO<sub>2</sub> costs, namely in euros.

The newly added paragraphs (3) to (6) now specifically govern the additional requirements for the relevant values listed in the previous paragraph (2) subparagraph 1, for each key figure, including rounding arrangements. The reference to EU provisions is a reference to the current version of EU provisions. Paragraph (4) specifies, for compressed natural gas and hydrogen, that the information from the certificate of conformity shall be converted using the reference density values laid down in Regulation (EU) 2017/1151. The reference to EU provisions is to be understood as a reference to the current version of the EU provisions. Should the indication of reference densities changes in the European provisions, this amendment shall apply directly to this Ordinance. Paragraph (5) specifies, for electricity consumption, that the relevant values shall also be determined by converting the values from the certificate of conformity. Paragraph (6) contains a rounding rule for indicating CO<sub>2</sub> emissions. Paragraph (7) lays down the legal definition of the certificate of conformity by reference to the relevant EU provisions.

### **Subparagraph 3**

§ 2 is to contain three paragraphs in the future, with paragraph (1) being extended to include a large number of definitions compared to the previous version.

§ 2(1) subparagraph 1 is being reworded and separates the terms 'new' and 'passenger cars' which were previously combined together. § 2(1) subparagraph 1 now only defines the term 'passenger car', referring to the relevant EU Framework Directive. Accordingly, this means motor vehicles of category M1 that are designed and constructed for passenger transport with a maximum of eight seats in addition to the driver. The last part of the

sentence creates an exemption for special purpose vehicles in accordance with subparagraph 5 of Part A of Annex 1 to Regulation (EU) 2018/858, e.g. ambulances and wheelchair accessible vehicles. These are excluded from the scope of the Ordinance.

§ 2(1) subparagraph 2 defines passenger cars as 'new', as has been the case to date, if they have not yet been sold for a purpose other than that of resale or delivery. However, two additional objective criteria have been included where a vehicle can be assumed to be 'new': A passenger car is therefore considered to be new if it is type-approved and its first registration for use on public roads was not more than eight months ago on the date on which it is displayed by the manufacturer or dealer, or offered or advertised for sale, long-term rental or leasing, or if it has driven 1 000 kilometres or fewer. The criteria relating to time of registration and distance driven apply in the alternative. These objective criteria have been introduced on the basis of the case-law of the Federal Court of Justice, which found that it was necessary to align the understanding of the term 'new passenger cars' with objective circumstances (BGH, judgment of 21 December 2011 – I ZR 190/10, GRUR 2012, 842, 844 (paragraph 23); BGH, judgment of 5 March 2015 – I ZR 164/13, NJW 2015, 3309, 3310 (paragraph 15)). Both a registration time of up to eight months and a distance driven of up to 1 000 kilometres are appropriate averages to qualify a passenger car as new and thus trigger the labelling requirement under the Pkw-EnVKV. Identifying these passenger cars as new passenger cars is appropriate, since due to temporary or minor use, for example as a demonstration car or for customer test drives, the labelling requirement should not be omitted.

§ 2(1) subparagraph 3 stipulates that a passenger car is considered to be 'used' if it is not new in accordance with subparagraph 2 and is thus the mirror-image definition of § 2(1) subparagraph 2.

§ 2(1) subparagraph 4 contains the reworded definition of 'model'. This new definition is initially based on the commercial name of a vehicle type, as was the case previously. If several variants and versions are to be grouped under one model, five additional features are now being defined, which the variants and versions in question must at least have in common (see § 2(1) subparagraph 4(a to (e))). These features must be present cumulatively. The definition is being reworded because of practical legal uncertainties in connection with the previous definition (see, inter alia, BGH, judgment of 24 July 2014 – I ZR 119/13 (Stuttgart Higher Regional Court), GRUR 2015, 393). By now defining specific features that vehicles grouped together under one model must have in common, the aim is to ensure a legally certain application of the provision. The aim is also to ensure that the group of vehicles belonging to one model does not become too large. In addition, transparency for consumers and the controls by the market surveillance authorities in the Länder will be facilitated.

Subparagraph 5 contains a new definition of 'WLTP value', referencing the underlying EU Regulation.

§ 2(1) subparagraph 6 defines the term 'long-term rental'. It is thus enshrined in the Ordinance that offering a new passenger car for long-term rental also triggers an obligation to label, alongside the acts of offering for sale or leasing, and advertising. However, only the forms of long-term rental are covered where a passenger car is selected model-specifically and rented for a period of one month or more. In this case, long-term rental is comparable to buying or leasing. Cases are not therefore covered where the customer only selects a vehicle category or receives a comparable model for use, e.g. with a different engine or from another manufacturer. The long duration of use of one month or more indicates sufficient interest on the part of the customer to also consider the labelled information in their purchase decision. This also implements the relevant case-law (Munich Regional Court 1 Final judgment of 27 May 2021 – 17 HK O 11810/20, GRUR-RS 2021, 12293; Munich Regional Court 1 Final judgment of 11 November 2021 – 17 HK O 1346/21, BeckRS 2021, 34150).

The previous subparagraph 14 is moving and becomes subparagraph 7. The reference to Directive 1999/94/EC is being replaced by reference to the certificate of conformity.

§ 2(1) subparagraph 8 is being reworded. By indicating the vehicle identification number on the information sheet, the information sheet in question can be matched exactly to the corresponding vehicle.

The previous subparagraph 2 is moving and becomes subparagraph 9. Instead of reference to Part I of the Registration Certificate, reference is now made to the certificate of conformity.

The previous subparagraph 3 is moving and becomes subparagraph 10. The inclusion of the attribute 'commercially' merely has a clarifying function, which makes it clear that a private seller is not a dealer for the purposes of this Ordinance. The further addition is editorial in nature.

§ 2(1) subparagraph 11 now defines the term 'customer'. The definition is intended to improve legal certainty.

The previous subparagraph 4 is moving and becomes the subparagraph 12. Two prerequisites have been added to the definition of 'place of sale' in order to clarify when a place is not a place of sale. Firstly, the place must be separate from the place of sale. This separation may be structural in nature or by other means. The decisive factor here is that there is spatial separation, which at least makes it difficult to view the passenger cars located there and prevents unauthorised access from customers. Although the vehicles parked at these locations may be visually perceived by the customers, the vehicles cannot be sampled and inspected because of the spatial distance involved. This could include, for example, storage and operating areas required for the company, such as a parking garage, a separate workshop area or a warehouse. Merely by virtue of the spatial situation, it should be clear to a customer that there are no vehicles being offered for sale, long-term rental or leasing in these areas. Secondly, this spatially separated area must be separated from the place of sale by means of a warning that is clearly recognisable for every customer (e.g. by a sign saying 'Access for employees only'). The prerequisites must be met cumulatively. If the prerequisites are met, it is sufficiently ensured that customers cannot include the passenger cars in such a location in their purchase decision, and therefore there is no labelling obligation.

The previous subparagraph 6d) is moving and becomes the new subparagraph 1. It is being stipulated that the term 'fuel' refers to either liquid fuel or compressed natural gas. It does not cover hydrogen; this is defined as 'other energy source' in subparagraph 15. Authoritative here is the fuel recommended by the manufacturer with the name that must be used for notification of fuel quality for the operation of motor vehicles in accordance with the Ordinance on the Quality and Labelling of Fuels, as amended.

The previous subparagraph 5 is moving and becomes subparagraph 14. It is being stipulated that fuel consumption refers to a new passenger car's consumption of liquid fuel, compressed natural gas or hydrogen (not the consumption of electricity). Consumption determined on the basis of Regulation (EU) 2017/1151 is authoritative here.

The previous subparagraph 6b becomes the new subparagraph 15. Hydrogen is being added as another energy source.

The previous subparagraph 6a becomes the new subparagraph 16. A new passenger car's consumption of electric energy determined on the basis of Regulation (EU) 2017/1151 is authoritative for electricity consumption.

§ 2(1) subparagraph 17 redefines the umbrella term 'energy consumption' to cover the consumption of fuels and the consumption of the other energy sources, namely electricity and hydrogen. Again, consumption determined on the basis of Regulation (EU) 2017/1151 is authoritative here.

The previous subparagraph 6 is moving and becomes subparagraph 18. A new passenger car's specific CO<sub>2</sub> emissions determined on the basis of Regulation (EU) 2017/1151 are authoritative here.

§ 2(1) subparagraph 19 redefines the 'electrical range' of purely electrically powered vehicles or externally rechargeable hybrid electric vehicles, which is determined on the basis of Regulation (EU) 2017/1151.

The previous subparagraph 6c is moving and becomes subparagraph 20. Applicable now is the actual mass of the vehicle in accordance with subparagraph 2.1 of Annex XXI to Regulation (EU) 2017/1151 in conjunction with subparagraph 3.2.24 of UN Regulation No 154 – Uniform provisions concerning the approval of light duty passenger cars and commercial vehicles with regards to the criteria emissions, emissions of carbon dioxide and fuel consumption and/or the measurement of electric energy consumption and electric range (WLTP) (OJ L 290, 10.11.2022, p. 1-625). This shall include the mass of the vehicle when it is ready to drive plus the mass of any additional equipment attached to it. However, this information is no longer necessary for the information sheet, only for the guide.

§ 2(1) subparagraphs 21-24 define vehicles by propulsion type. For each of these vehicles, there is a separate template for producing the information sheet.

§ 2(1) subparagraph 25 defines the umbrella term for the different types of propulsion used. This information is required for the information sheet.

The previous subparagraph 9 is moving and becomes subparagraph 26. The previous subparagraph 11 is moving and becomes subparagraph 27. The previous subparagraph 10 is moving and becomes subparagraph 28. The changes are editorial in nature.

§ 2(1) subparagraph 29 redefines the term 'online video portals', as is necessary due to the increasing importance of online advertising.

The previous subparagraph 13 is moving and becomes subparagraph 30.

§ 2(2) defines the terms 'type', 'variant' and 'version'. The definition laid down in Article 2(10) of Directive 1999/94/EC has merely been adopted in this respect. The change is therefore editorial in nature.

§ 2(3) defines in detail, referencing Regulation (EU) 2017/1151, the phase-specific values for fuel consumption and electricity consumption. The values listed here are added as new information to be indicated in accordance with § 3(1), first sentence, subparagraph 1.

#### **Subparagraph 4**

##### **Letter a)**

For editorial reasons, the terms fuel consumption and electricity consumption have been jointly included in the umbrella term 'energy consumption'.

### **Letter b)**

#### **Double letter aa)**

In the first sentence of paragraph (1), editorial changes are being made to increase comprehensibility and to include long-term rental.

#### **Double letter bb)**

§ 3(1), first sentence, subparagraph 1 is being redrafted by adding the electric range, energy costs and motor vehicle tax as additional information as well as hydrogen consumption that is also covered by the umbrella term 'energy consumption', and the requirements for the visibility of the information are being worded more clearly. The obligation to indicate CO<sub>2</sub> classes laid down in the previous second sentence are being included in the first sentence. The previous third sentence concerning indication of the creation date is being deleted, as this requirement for the specific design of the information sheet can already be found in Annex 1. A new specification is that the CO<sub>2</sub> costs must be indicated. The method for calculating CO<sub>2</sub> costs based on assumed future CO<sub>2</sub> prices and the procedure for the future publication of the assumed future CO<sub>2</sub> prices by the Federal Ministry for Economic Affairs and Climate Action are explained in Annex 1.

§ 3(1) subparagraph 2 is being reworded by adding the electric range as additional information in the previous first part of the sentence as well as hydrogen consumption that is also covered by the umbrella term 'energy consumption'.

### **Letter c)**

The changes in paragraph (2) are editorial in nature.

### **Letter d)**

According to the new § 3(3), second sentence, manufacturers are now required to include notification with the information provided in accordance with the first sentence on key figures for the information sheet and notice that the information may vary depending on the wheel/tyre combination.

### **Letter e)**

The new § 3(4), first sentence sets out exceptions to the labelling requirement laid down in § 3(1).

§ 3(4), first sentence, subparagraph 1 firstly serves only for clarification. This provision exempts used passenger cars from the labelling requirement. The second to fourth sentences additionally stipulate that manufacturers and dealers should have the option of voluntarily labelling used passenger cars with WLTP values. Furthermore, manufacturers and dealers are free to provide information for used vehicles without using the templates set out in Annex 1 Part II. If the templates provided in Annex 1 Part II are used, they must also include clearly include the words 'used cars' in the heading (see remarks in Annex 1 Part II).

Pursuant to § 3(4), first sentence, subparagraph 2, new passenger cars that have only recently been delivered to the place of sale are exempt. The dealer is fundamentally required to also label newly delivered passenger cars without delay. The sole purpose of this exception is to ensure that the dealer is not responsible for labelling which has not yet been carried out, if the delay is out of the dealer's control. For a vehicle to be recognisable as having only been delivered recently within the meaning of subparagraph 2, it must also be unequivocally clear to a third party that the passenger car has been newly delivered, in

particular because it is still covered in packaging. In addition, the exception only applies for a very limited period of time, namely the passenger car must have been delivered 'very recently'. The period of time that this entails must be determined in the light of the circumstances of the individual case. In particular, it depends on the time of day the delivery took place. If a delivery is made outside business hours, for example, a longer period of time must be assumed. Overall, however, newly delivered passenger cars should be labelled no later than one working day after delivery.

Pursuant to § 3 (4), first sentence, subparagraph 3, new passenger cars which are recognisable as being only temporarily at the place of sale for delivery to the buyer, the renter or the lessee, are exempt from the labelling obligation. To be recognisable in this respect, the vehicle may, for example, already have been registered to the buyer or lessee and therefore be fitted with a number plate, it may be in a location reserved for vehicles that are ready for pick-up or the vehicle may be covered. However, it is also sufficient to have a (truthful) sign that the vehicle is waiting for collection. The exception applies only for a temporary period that should not exceed one working day.

Pursuant to § 3(4), first sentence, subparagraph 4, new passenger cars for which the manufacturer does not have any binding WLTP values are exempt. This applies to passenger cars that are not yet being offered for sale to the end customer (such as concept cars, prototypes and new trade fair units that have not yet been type-approved) and other passenger cars for which the manufacturer does not yet have binding WLTP values. The second sentence in conjunction with the fifth sentence clarifies that manufacturers and dealers are able for these passenger cars to carry out voluntary labelling using provisional WLTP values, provided that the labelling is accompanied by the indication that the values are provisional by containing the word 'provisional'. The templates provided in Annex 1 Part II may be used in this respect, provided that they also clearly contain the word 'provisional' (see remarks in Annex 1 Part II). The reason for this exception is a certificate of conformity containing reliable data often already exists for such cars. This provision helps manufacturers and dealers because it takes into account the fact that certain vehicles cannot yet be labelled while giving the flexibility for and allowing voluntary labelling.

#### **Subparagraph 5**

§ 3a(1) still lays down a provision on determining the CO<sub>2</sub> class of a passenger car; however, this requirement has been realigned: Assignment to a CO<sub>2</sub> class shall no longer be on the basis of the passenger car's relative CO<sub>2</sub> emissions of the passenger in relation to mass. Instead, assignment to a CO<sub>2</sub> class is now based on the passenger car's absolute value of CO<sub>2</sub> emissions in grams of CO<sub>2</sub> per kilometre. Determination of a specific passenger car's CO<sub>2</sub> class is thus simplified and can now be done, without any further calculation steps, using the range of CO<sub>2</sub> emission values for each CO<sub>2</sub> class specified in the table. By focusing on the absolute values of CO<sub>2</sub> emissions, the CO<sub>2</sub> intensity of passenger cars overall will become more transparent and easier to compare.

§ 3a(2) stipulates that the CO<sub>2</sub> emissions values for categorisation into a CO<sub>2</sub> class shall be taken from the certificate of conformity.

#### **Subparagraph 6**

§ 4 is being adapted to reflect the increasing practice of the guide being primarily provided and used in digital form. Therefore, the guide will no longer be produced and distributed in printed form and the body designated by the manufacturers will thus only make the guide available online in the future. The printed version of the guide is also being dispensed with for sustainability reasons. The manufacturers will still designate a body to produce the guide. The body designated to produce the guide must be approved by the Federal Ministry for Economic Affairs and Climate Action.

Paragraph (3) stipulates that the guide will be updated twice a year (rather than annually, as has been the case to date) in order to keep it up to date in the interests of consumers.

The exact design of the guide continues to be based on Annex 3.

§ 4(5) clarifies that, for reasons of sustainability, dealers and manufacturers no longer have to keep the guide in paper form at the place of sale. It is sufficient to make the guide available to customers in electronic form free of charge and to provide them with the Internet address where the guide can be accessed. As an alternative, dealers and manufacturers can also provide the guide to their customers on electronic, magnetic or optical storage media. However, it remains possible for dealers and manufacturers to make the guide available to their customers in printed form.

In paragraph (6), first sentence, subparagraph 2, the year first brought to market, type, energy consumption as the umbrella term for the consumption of fuels or electricity, CO<sub>2</sub> classes and electric range are added as further information to be provided. Paragraph (6) second to fifth sentences specify that, for a model under which several variants or versions are grouped together, the lowest and highest value in each case, and the least favourable and most unfavourable CO<sub>2</sub> class must be indicated as a range. If there are different key figures within a variant or version, the highest value or the most unfavourable CO<sub>2</sub> class must be applied to form the range. Paragraph (7) stipulates that the information must be provided by manufacturers, in accordance with the bi-annual update interval of the guide, no later than by 30 June and 31 December.

#### **Subparagraph 7**

##### **Letter a)**

In § 5(1), the key figures to be indicated in advertising are being adjusted or added to. In addition to the relevant energy consumption, i.e. the fuel, hydrogen or electricity consumption and CO<sub>2</sub> emissions, CO<sub>2</sub> classes will also have to be indicated in advertising materials in the future. More details are set out in Annex 4.

##### **Letter b)**

The changes in § 5(2) take into account the fact that the new Pkw-EnVKV also regulates advertising on social media and online video portals. Advertising online, especially on social media such as Facebook, Twitter, Instagram, Pinterest and Tumblr or on online video portals such as YouTube, has gained considerably in relevance in the past and is being used more and more. It is therefore all the more important that these channels are also subject to the labelling obligation under the Pkw-EnVKV. For clarification, an addition is being made to subparagraph 3 expressly stipulating that it also relates to this form of advertising. The other changes are editorial in nature.

##### **Letter c)**

The amendments to § 5(3) are editorial in nature.

## **Letter d)**

If a new passenger car for which binding WLTP values are not yet available is advertised in accordance with § 5, there is also the possibility of voluntary labelling. § 3(4), first sentence, subparagraph 4, in conjunction with the second and fifth sentences shall apply, mutatis mutandis. New passenger cars on display and being advertised are to be treated equally in this respect. The same requirements for voluntary labelling apply, in particular it must be clear that the values are provisional.

## **Subparagraph 8**

In § 6, editorial changes are being made, some of which are a consequential adjustment resulting from the changes to the requirements in § 1 to § 5. The substantive prohibition is being clarified, namely that it is prohibited for the information to be misleading, to bring about errors or misunderstandings or to limit the comparability of data relating to different vehicles.

## **Subparagraph 9**

In § 7, editorial changes are being made.

## **Subparagraph 10**

The newly inserted § 8 grants the market surveillance authorities a right to obtain information. The right to obtain information covers which variants or versions of a vehicle are grouped under the models they offer, the corresponding information pursuant to § 1(1) and the manufacturer code (HSN) and the type code (TSN). This ensures that the market surveillance authorities can check whether the model-related information from manufacturers or dealers in the notice, guide or advertising materials complies with the requirements of § 1 to § 6. The information must be provided to market surveillance authorities in a common machine-readable format, such as the csv format.

## **Subparagraph 11**

§ 9(1) stipulates that advertising online may still comply with the requirements of the previous version of the Pkw-EnVKV for up to three months after the entry into force of the Pkw-EnVKV and can continue to be used for this period. § 9(2) stipulates that advertising documents and electronic, magnetic or optical storage media may still comply with the requirements of the previous version of the Pkw-EnVKV for up to six months after the entry into force of the Pkw-EnVKV and can continue to be used for this period. The period selected gives manufacturers and dealers an appropriate timeframe in which to adapt their advertising material. Since advertising online can be converted more quickly, the transitional period for continued use is only three months. § 9(3) clarifies which websites do not need to be updated even after the transitional period. These include online archives, the purpose of which is, for example, to make outdated websites retrievable again and websites containing advertising material that is no longer actively used, such as outdated posts on social media that are no longer being used to actively advertise. In many of these cases, updating these would not be possible for manufacturers or dealers, as they do not have access to this no longer actively used advertising material. It is therefore an additional condition that the advertising has already been placed before the entry into force of this Ordinance.

## **Subparagraph 12**

§ 10(1) lays down transitional arrangements for the conversion of information sheets and notices within three months after the entry into force of the Pkw-EnVKV. Thus, an appro-



ropriate timeframe remains for dealers and manufacturers to familiarise themselves with the new requirements and to replace old information sheets.

§ 10(2) lays down transitional arrangements for the guide, similar to the previous § 8a(1). Production of the guide requires a certain lead time, and therefore the new rules are to be observed for the first time for the new guide, which will be published on 15 July 2024.

### **Subparagraph 13**

The provisions on entry into force and the closing formula are set out in Article 2.

### **Subparagraph 14**

The Pkw-EnVKV is of great importance for informing consumers about fuel consumption and energy consumption, CO<sub>2</sub> emissions and other relevant attributes of new passenger cars and for the purchase decision in favour of energy efficient vehicles. In light of technological developments and the increasing market penetration of vehicles with electrified propulsion, the Ordinance is to be regularly reviewed to determine any need for adaptation. The European Commission plans to review the underlying EU Directive 1999/94/EU by 31 December 2024 and, if necessary, present a new legal act.

For these reasons, the Federal Ministry for Economic Affairs and Climate Action shall also review the Pkw-EnVKV after the entry into force of this Ordinance and publish a report containing proposals for its further development and amendment. In particular, it will be examined whether the energy consumption of electrified vehicles should be indicated by means of different energy consumption classes and whether the labelling requirement should be extended to include further information such as clearer indication of the life cycle costs of the vehicle due to CO<sub>2</sub> pricing of energy sources and motor vehicle tax. The extent to which the life cycle emissions from the different energy sources can be presented in the information sheet shall also be examined. The aim would be to clarify which CO<sub>2</sub> emissions, for example, arise when charging an electrified vehicle due to the current electricity mix or when different fuels are produced. Furthermore, a further information sheet template is to be added to the Pkw-EnVKV for passenger cars that are powered only by CO<sub>2</sub>-neutral fuels (RFNBOs) ('e-fuel-only' vehicles) once an EU definition for these vehicles exists. Therefore, preparations for the design of such a template should already be started. In addition, it will be examined to what extent used passenger cars are to be labelled and whether radio services and audiovisual media services under the second sentence of § 5(2) should continue to be exempted from the labelling requirement. The Federal Ministry for Economic Affairs and Climate Action will consult the Länder and trade associations with respect to this report and the proposals it contains and, in light of the findings made, will propose an amendment to this Ordinance by the first quarter of 2025 at the latest.

### **Subparagraph 15**

Annex 1 is being completely reworded due to numerous changes. This includes the annex no longer being subdivided into Part A and Part B. The title of the annex is being changed to 'Information on the energy consumption and CO<sub>2</sub> emissions of new passenger cars'

An addition is being made in Part I Subparagraph 2, stipulating that, in addition to the font size, the font colour provided for in the form must be used. In accordance with the form, most of the information on the label is black. These requirements are now mandatory. The specific requirement 'on a white background' helps to improve legal certainty.

In Part I Subparagraph 3, the heading is being adjusted for better comprehensibility. Specification of the font size is intended to increase legal certainty. In cases where used passenger cars and new passenger cars for which the manufacturer does not yet have

any binding WLTP values are labelled voluntarily, mandatory adjustments to the template are stipulated, which are explained here.

Part I Subparagraph 4 sets out the information to be provided in the first box. This includes the fact that the commercial name must now be indicated instead of 'model, specified by type, variant and version'. Due to the increasing prevalence of passenger cars with electric propulsion, the indication 'type of propulsion' is added here as information for buyers and the indication relating to fuel is more precisely defined. Where relevant, reference has been made to the corresponding numerical point in the certificate of conformity that contains the information. The aim of the specific requirements relating to font size is to increase legal certainty.

Part I Subparagraph 5 sets out the information to be provided in the second box of the information sheet. The names of the values to be indicated refer back to the new WLTP test procedure. In this section, only values on energy consumption and CO<sub>2</sub> emissions are to be indicated. This is for clarity. The information differentiated by 'inner-city' and 'out-of-town' as was previously required has now been itemised. In the case of purely electrically powered vehicles and fuel cell vehicles with hydrogen as their energy source, '0' is entered when specifying the CO<sub>2</sub> emissions. This indication is explained with a footnote for reasons of transparency towards consumers, since only CO<sub>2</sub> emissions resulting from the operation of the vehicle shall be taken into account in the information sheet. The inclusion of the electric range in the information sheet is based on the fact that this indication enables comparisons between electric cars and is therefore of significant importance for consumers of those passenger cars. The aim of the specific requirements relating to font size is to increase legal certainty.

The previous graphical representation is being adjusted in Part I Subparagraph 6 to the new CO<sub>2</sub> classification system. For externally rechargeable hybrid electric vehicles, it is stipulated separately that two CO<sub>2</sub> classes must be specified. The second CO<sub>2</sub> class depends on CO<sub>2</sub> emissions with discharged battery. This improves consumer information by enabling consumers to learn how their charging behaviour can have an impact and by facilitating comparability among externally rechargeable hybrid electric vehicles.

Part I Subparagraph 7 is being reworded and stipulates the further information relating to energy consumption that must be provided in the right-hand section of the third box with regard to the phase-specific values collected during the WLTP test procedure (with reference to the corresponding numerical point of the certificate of conformity). The aim of the specific requirements relating to font size is to increase legal certainty.

Part I Subparagraph 8 is being reworded and stipulates the information to be provided in the fourth box. This box contains information on possible costs that consumers may incur in relation to their vehicle. Specifying energy costs at an annual distance driven of 15 000 km as well as motor vehicle tax can help consumers to calculate, on the basis of historical data, the total costs incurred for the vehicle over the entire duration they are using it. In this respect, a comparison between different vehicle models and/or different types of propulsion is made possible. This information is important for clarifying the cost burdens that may arise over the life cycle of a vehicle based on historical data that goes beyond the vehicle's purchase price. Where relevant, reference has been made to the corresponding numerical point in the certificate of conformity that contains the information.

In addition, the CO<sub>2</sub> costs (as defined in § 1(1), first sentence, subparagraph 7) are to be indicated. For this purpose, three calculations need to be indicated in order to illustrate the uncertainties regarding the prediction of CO<sub>2</sub> pricing. Each of these calculations is based on a different assumed average CO<sub>2</sub> price for the relevant ten-year period. The calculation and the first relevant assumed average CO<sub>2</sub> prices are set out in Annex 1. The first year of the ten-year period is the year following the announcement of the assumed future CO<sub>2</sub> prices by the Federal Ministry for Economic Affairs and Climate Action (the first announce-

ment will be made on 30 June 2024, and therefore the first ten-year period covers the years 2025-2034).

To explain the calculation, an example is provided below, based on a vehicle with CO<sub>2</sub> emissions of 123 gCO<sub>2</sub>/km:

CO <sub>2</sub> costs	Calculation	Rounded result (EUR)
Indication 1	123x115.00x0.15	= 2 121.75
Indication 2	123x50.00x0.15	= 922.50
Indication 3	123x190.00x0.15	= 3 505.50

This information relating to CO<sub>2</sub> costs is important to illustrate the cost burdens that consumers may incur from future CO<sub>2</sub> pricing. According to studies and scenarios, a significant increase in CO<sub>2</sub> prices is expected. To illustrate the increase in CO<sub>2</sub> pricing, three different assumed average CO<sub>2</sub> prices over the next ten years are used and the possible resulting CO<sub>2</sub> costs at an annual distance driven of 15 000 km are indicated. The average CO<sub>2</sub> prices over the next ten years to be used up to the first announcement by the Federal Ministry for Economic Affairs and Climate Action are specified. These are based on the CO<sub>2</sub> price path from the project 'Long-term scenarios and strategies for the expansion of renewable energies in Germany commissioned by the Federal Ministry for Economic Affairs and Climate Action ('Long-term scenarios', see: <https://enertile-explorer.isi.fraunhofer.de:8443/open-view/39127/d80f54cc3d1bd7fbd4e52bdf4185c3da>).

The low assumed average CO<sub>2</sub> price of EUR 50.00 per tonne for indication 1 is the price for 2025 (as the first year in the ten-year period) envisaged in the Fuel Emissions Trading Act (BEHG) in accordance with Article 8(2) the Draft Budget Financing Act (Bundestag document 20/8298). The medium assumed average CO<sub>2</sub> price of EUR 115.00 per tonne for indication 2 approximately represents the average CO<sub>2</sub> price for the relevant period 2025-2034 in the long-term scenarios. The high assumed average CO<sub>2</sub> price of EUR 190.00 per tonne is the value indicated for 2034 (last year in the relevant ten-year period) in the long-term scenarios.

Actual CO<sub>2</sub> prices may be both higher and lower than in the underlying model calculations. The Federal Ministry for Economic Affairs and Climate Action shall be responsible for announcing the relevant future CO<sub>2</sub> prices annually on its website, in agreement with the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection as well as the Federal Ministry for Digital and Transport (for the first time on 30 June 2024). As long as no updated CO<sub>2</sub> prices have been published, the most recently published CO<sub>2</sub> prices are authoritative.

The aim of the specific requirements relating to font size is to increase legal certainty.

The explanatory notes in the fifth box mentioned Part I Subparagraph 9 must be provided in part in accordance with EU Directive 1999/94/EC. What's new is a reference to the website on which the guide is available, the indication of the start and end year of the ten-year period that is relevant for CO<sub>2</sub> costs and a reference to the information platform of the German Energy Agency (Dena) financed by the Federal Ministry for Economic Affairs and Climate Action ([www.alternativ-mobil.info](http://www.alternativ-mobil.info)). This information platform provides further information relating to the energy costs of various propulsion technologies, the future CO<sub>2</sub> pricing for fossil fuels and support tools to producing car label templates. Setting the minimum font size ensures that the information is easily legible.

Part I Subparagraph 10 adds a new provision stipulating that the vehicle identification number must be indicated. This allows the respective information sheet to be matched to a specific new passenger car. The aim of the specific requirements relating to font size is to increase legal certainty.

#### **Subparagraph 16**

Section I of Annex 2 has been adapted to the new WLTP test procedure. In order to improve consumer information, additional data needs to be indicated.

#### **Letter a)**

The change to the heading is editorial in nature.

#### **Letter b)**

The changes are editorial in nature.

#### **Letter c)**

#### **Double letter aa)**

Specification of the date is necessary in order to easily judge how up to date the notice is.

#### **Double letter bb)**

The changes in subparagraph 3 are editorial in nature.

#### **Double letter cc)**

The changes in subparagraph 4 are editorial in nature.

#### **Double letter dd)**

The changes in subparagraph 5 are editorial in nature.

#### **Double letter ee)**

Subparagraph 6 stipulates further information on the notice, along the same lines as on the information sheet, in order to improve consumer information and has also been editorially revised. Where relevant, reference has been made to the corresponding numerical point in the certificate of conformity that contains the information.

For a model under which several variants or versions are grouped together, the lowest and highest value in each case, and the least favourable and most unfavourable CO<sub>2</sub> class must be indicated as a range. If there are different key figures within a variant and/or version, the highest value or the most unfavourable CO<sub>2</sub> class must be applied to form the range. The indication '(provisional)' shall be provided if labelling is provided voluntarily in accordance with § 3(4) subparagraph 4.

#### **Double letter ff)**

The changes in subparagraph 7 are editorial in nature.

**Double letter gg)**

The standard of legibility is being harmonised throughout the Ordinance. Setting the minimum font size ensures that the information is easily legible. The other adjustments are editorial in nature.

**Letter d)**

The change is editorial in nature.

**Letter e)**

**Double letter aa)**

The changes in subparagraph 1 are editorial in nature.

**Double letter bb)**

The changes in subparagraph 2 are editorial in nature.

**Double letter cc)**

The changes in subparagraph 3 are editorial in nature. The interval for updating the information is specified by EU Directive 1999/94/EC Annex III point 8.

**Double letter dd)**

In the future, the date of the update must also be indicated for information purposes.

**Subparagraph 17**

In Annex 3, the structure of and data to be provided in the guide has been adapted editorially to the new WLTP test cycle. Furthermore, additional data, which differs structurally between the different propulsion and fuel combinations, has been included to improve consumer information.

**Letter a)**

The changes are editorial in nature.

**Letter b)**

The changes are editorial in nature.

**Letter c)**

**Double letter aa)**

The changes in subparagraph 1 are editorial in nature.

**Double letter bb)**

The changes in subparagraph 2 are editorial in nature.

**Double letter cc)**

The changes in subparagraph 3 are editorial in nature.

**Double letter dd)**

The changes in subparagraph 4 are editorial in nature.

**Letter d)**

**Double letter aa)**

The changes in subparagraph 1 are editorial in nature.

**Double letter bb)**

The list in the guide covers all models of new passenger cars that are offered or displayed in Germany. These are to be broken down alphabetically by make.

**Double letter cc)**

Subparagraph 3 stipulates further information in the guide, in order to improve consumer information and has also been editorially revised. Where relevant, reference has been made to the corresponding numerical point in the certificate of conformity that contains the information.

For a model under which several variants and/or versions are grouped together, the lowest and highest value in each case, and the least favourable and most unfavourable CO<sub>2</sub> class must be indicated as a range. If there are different key figures within a variant and/or version, the highest value or the most unfavourable CO<sub>2</sub> class must be applied to form the range.

**Double letter dd)**

The changes in subparagraph 4 are editorial in nature. As has been the case to date, the ten most economical models for each type of propulsion should be highlighted separately.

**Letter e)**

Since the guide will only be available online in the future, it is no longer necessary to specify the page format.

**Subparagraph 18**

Annex 4 has been revised and adapted to the new WLTP test cycle. Additional information for consumers has also been included.

Due to the rapid development of electronic and digital media since the entry into force of the previous regulations of the Pkw-EnVKV, updates were necessary.

**Letter a)**

The change to the heading is editorial in nature.

**Letter b)**

The change is editorial in nature.

### **Letter c)**

#### **Double letter aa)**

Subparagraph 1 stipulates further information in advertising, in order to improve consumer information and has also been editorially revised. Where relevant, reference has been made to the corresponding numerical point in the certificate of conformity that contains the information.

For a model under which several variants or versions are grouped together, the lowest and highest value in each case, and the least favourable and most unfavourable CO<sub>2</sub> class must be indicated as a range. If there are different key figures within a variant and/or version, the highest value or the most unfavourable CO<sub>2</sub> class must be applied to form the range.

#### **Double letter bb)**

The purpose of the change to subparagraph 2 is to precisely transpose the underlying Annex IV points 1 and 2 of the EU Directive 1999/94/EC. This makes it clear that the provisions do not go beyond those of the Directive, in particular, the 'easy to understand when read at a glance' criterion. 'When read at a glance' therefore refers only to the comprehensibility of the content of the information and not to the optical representation such as the font size or the position in the text. When interpreting the criteria 'easily legible' and 'not highlighted any less than the main part of the advertising message', 'when read at a glance' shall not be applied as a standard. If the requirements laid down in this Ordinance are complied with, comprehensibility should be assumed in principle.

#### **Double letter cc)**

The changes in subparagraph 3 are editorial in nature.

#### **Double letter dd)**

The previous subparagraph 4 is removed as its regulatory content is covered by other provisions in the new version of the Ordinance.

### **Letter d)**

The rules laid down in the new Part II apply equally to all forms of electronic advertising, and therefore the previous Section III for electronic, magnetic or optical storage media can be removed.

#### **Letter d)**

The previous Section II on advertising material disseminated in electronic form and the previous Section III on electronic, magnetic or optical storage media are being combined, with the addition of online advertising (including advertising on social media and online video portals). The rules laid down in the new Part II apply equally to all forms of electronic advertising.

### **Letter e)**

Subparagraph 1 sets out the scope of application of the rules on electronic advertising and includes advertising material which is disseminated in electronic form, advertising by electronic, magnetic or optical storage media and advertising online (including advertising on social media and online video portals). Due to the rapid development of electronic and digital media since the entry into force of the previous regulations of the Pkw-EnVKV, up-

dates were necessary. For all these forms of electronic advertising, the provisions of Part I shall apply, *mutatis mutandis*. In this way, the aim is – as far as is possible and sensible – to synchronise the rules between analogue advertising and electronic advertising.

In addition to the requirements applicable to electronic advertising, subparagraph 2 stipulates the time at which the information is to be provided. It must be ensured that the information referred to in subparagraph 1 is brought to the attention of the advertising recipient at the moment at which information on motor parameters, such as motor power, capacity or acceleration is first displayed to them. This provision is necessary due to the huge variety of design options for electronic advertising, in order to ensure timely consumer information. Otherwise, for example, in the context of a video clip, the information could be provided at a significantly later time and without the context to the motor parameter data. The second sentence has a clarifying function. If no information on motor parameters is provided, this does not mean that the labelling obligation ceases.

Subparagraph 3 lays down rules with respect to the increasingly important 'digital place of sale'. For this reason, the rules relating to the information sheet apply *mutatis mutandis*, and therefore, in addition to the information relating to electronic advertising, the information referred to in Annex 1 must also be provided. If this means that data would be duplicated, it is not to be indicated twice. On the contrary, it is sufficient to provide the appropriate template set out in Annex 1 Part II, to meet the requirements of this subparagraph 3. The uniform standard for easy legibility also applies in this respect. The fourth sentence lays down a necessary exception: For new passenger cars, which are configured on the Internet, for example, there is no vehicle identification number, since it is only an abstract vehicle. In this case, the obligation to indicate this vehicle identification number does not apply. The fifth sentence governs the time at which the information is to be provided: It must be provided to the customer no later than at the moment at which the configuration of a specific vehicle is completed. As far as possible, the aim here is to synchronise the rules with those relating to analogue information sheets at a physical place of sale. These rules stipulate that the information sheet shall be affixed in such a way that a customer is provided with the information as soon as they take a closer look at an vehicle on display.

Subparagraph 4 clarifies the case in which, by way of exception, there is no infringement of the Ordinance. This rule must be interpreted strictly as an exception. It concerns the case where models of new passenger cars are advertised online and mandatory information is not or is only partially visible due to the technical presentation of the platform used. Platforms can be, for example, a social network or an online video portal. The decisive factor here is that the lack of or limited visibility of the mandatory information is due solely to a technical presentation, over which the manufacturer or dealer has no influence (e.g. preview ads, 'Show more' button). For clarification: The manufacturer or dealer remains obligated to provide all mandatory information in the context of advertising in accordance with the requirements of this Ordinance. For this exception to apply, it is not sufficient, for example, that a platform does not provide a text field for the mandatory information or there is a character restriction etc. and therefore no mandatory information is provided by the manufacturer or dealer because of this in the first place. In such cases, the manufacturer or dealer would have to choose a form of presentation which nevertheless guarantees labelling with the mandatory information. Only if a manufacturer or dealer has published a properly labelled advertisement and has done everything else within its sphere of power in order to ensure the visibility of the mandatory information, can they fulfil the condition 'through no fault of their own'. If information is provided about motor parameters, the visibility of the mandatory information could, for example, be ensured as far as possible by providing the mandatory information directly after the information on the motor (cf. subparagraph 2 first sentence). In addition, the information visible on the platform must not in itself be misleading within the meaning of § 5(1) of the Act Against Unfair Competition (UWG) (for example, because the overall circumstances give the impression that the car is one that has below-average or normal fuel consumption, when actually it is above-average).



**Letter f)**

The rules laid down in the new Part II apply equally to all forms of electronic advertising, and therefore the previous Section III for electronic, magnetic or optical storage media can be removed.

**Article 2 (Entry into force)**

In view of the time leading up to this Ordinance and the envisaged transitional arrangements, entry into force can take place immediately after promulgation. European legislation also needs to be transposed as a matter of urgency. Entry into force is therefore stipulated as the first day following promulgation.