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MINUTES  
46TH TCMV MEETING



**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-GENERAL

Sustainable growth and EU 2020

**Sustainable mobility and automotive industry TECHNICAL COMMITTEE - MOTOR VEHICLES (TCMV)**

Brussels, 5 May 2015

ENTR/G3 - CM -

**MINUTES OF THE  
46TH MEETING OF THE 'TECHNICAL COMMITTEE - MOTOR  
VEHICLES' (TCMV) MEETING**

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**HELD IN BRUSSELS  
ON  
24 MARCH 2015**

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**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 45th meeting held on the 26 January 2015;**

The minutes were approved.

**4. Draft proposal submitted for final examination and delivery of opinion on a Commission Implementing Decision authorising Germany to grant EC type-approval of a L3e category vehicle type fitted with an emergency stop signal;**

The Commission services' representative provided a brief overview of the draft proposal. He also explained that, as the inter-service consultation procedure was not yet finalised, a vote would not take place in the session, but will follow the written procedure instead, to be launched in due course. The representative of Germany presented the background and also provided a short movie showing the technology that it seeks to approve on the L3e category vehicle. All other relevant documents and reports had already been provided on the restricted section of CIRCABC. No specific comments or remarks were noted and the proposal seemed to be broadly supported.

**5. State of play on the introduction of WLTP in EU legislation;**

The Commission representative informed the Member State experts that the work is ongoing. There are two lines of actions: integration into the type approval legislation, which is managed by DG GROW and the correlation of CO2 emissions values measured on the (current) NEDC and the (future) WLTP managed by DG CLIMA. The latter work is necessary to define the CO2 emission targets, which have been agreed on the basis of the NEDC, once the WLTP is introduced. Even if the two processes are formally independent it is clear that they are strongly linked politically, i.e. an integration of the WLTP into the type approval legislation probably will only be possible once the rules for the correlation of CO2 emission values are defined. A comprehensive legal proposal can be expected for the 2<sup>nd</sup> half of 2015.

**6. State of play of the global package on WLTP;**

The Commission representative informed Member States about the ongoing WLTP work at UNECE:

- WLTP GTR phase 1b text is being developed, to be adopted by GRPE in January 2016
- WLTP GTR phase 2 tasks are being discussed among contracting parties. The respective table was introduced and distributed for comments by Member States until 10 April (none received)
- After the WLTP has been integrated into EU legislation, a corresponding UNECE Regulation under the 1958 agreement shall also be provided. There is some consensus that this should be a new Regulation and not an extension/update of the existing UNECE Regulation 83. Japan (and maybe others like India) wants to become a contracting party of this Regulation, while still keeping its own national requirements and not aligning them with the EU. This creates some particular challenges for the structure of the new Regulation, which are discussed in a note distributed and discussed with Member States.

**7. Draft proposal submitted for final examination and delivery of opinion for introducing Real Driving Emission (RDE) test procedures into Euro 5/6 Regulation 692/2008/EC;**

An initial round table for an informal assessment of the views of Member States showed insufficient support for a qualified majority. Very shortly before the TCMV Germany had submitted a slightly modified "compromise" proposal, which does not contain any target dates for introducing future NTE emission limits and strongly suggests the introduction the latter in two steps via a recital. This proposal appeared to have a good chance for a qualified majority but due to the short notice some Member States and the Commission services could not take a final position. The chairman announced that a revised proposal of the Commission services, possibly taking the German modifications on-board, will be discussed at one of the next TCMVs and as soon as possible.

**8. Draft mandate for modification of voting majority in 1958 agreement;**

The Commission services' representative informed TCMV members on the state of play in the negotiations concerning the development of draft proposals for the revision of the 1958 Agreement. He recalled that the negotiating mandate the Council issued to the Commission in 2013 provides that the Commission has to inform TCMV on the development of these negotiations. He highlighted the need for coordinated action, both at UNECE and EU level, to proceed with the final stage leading towards the adoption of Revision 3 of the Agreement. He recalled that the main objectives of this revision exercise are to strengthen the mutual trust in the mutual recognition of type-approvals by enhancing and clarifying the provisions of the Agreement, and to make the Agreement more attractive so that more countries, in particular those with emerging automotive markets and industries, could be incited to join and apply the UN Regulations. Such a development would provide a benefit for EU automotive industry as the acceptance of ECE type-approvals would facilitate market access in these countries.

The discussions on making the 1958 Agreement more attractive are focalising now on the request Japan, Australia, Russia and Malaysia submitted to WP.29 in November 2014 for raising the majority voting threshold for the adoption of UN Regulations and amendments thereto from 2/3 to 4/5. In March 2015 the WP.29 Chair has urged the EU to take a position on this proposal for raising the 2/3 majority voting threshold, and expectations in WP.29 are that the EU should clarify its position at the June 2015 session.

In order to be able to respond in June 2015 to this WP.29 request, co-ordinated action at EU level is now required. According to the provisions of the Treaty, the Commission needs to obtain a mandate from the Council to take a position on behalf of the EU in the informal vote WP.29 will organise to verify whether unanimity of all Contracting Parties to the current 1958 Agreement can be achieved which is a precondition for launching the formal procedure for amending the 1958 Agreement.

The assessment by the Commission services is that the request to raise the 2/3 majority voting threshold should be accepted to provide a clear signal to interested emerging countries that they will be granted a fair share in the decision process when they join the 1958 Agreement. The Commission services will therefore prepare a Commission Recommendation for a Council Decision to obtain a mandate to vote in favour of the "frozen" proposals for Revision 3 of the 1958 Agreement including the increased 4/5 majority voting threshold. This proposal, once adopted by the Commission, will be

presented and discussed in the Council working party on technical harmonisation, with a view to have a co-ordinated EU position for the June 2015 session of WP.29.

The representative of the **United Kingdom** expressed general support for the revision exercise in view of its aim to improve the competitiveness of the EU industry. He considered the issue of raising the majority voting threshold politically important and that the economic impacts have to be assessed before a position can be established. He questioned the need for urgency and considered it more appropriate to target for the WP.29 session in November 2015.

The **Chair** clarified that the timing has been imposed by the developments within WP.29, due to the fact that non-EU Contracting Parties have tabled the request for raising the 2/3 majority voting threshold and that the EU has been requested by WP.29 to take a position in June 2015.

The representative of the **United Kingdom** also asked for the commitment by interested countries about joining the 1958 Agreement. If no new countries would join, the accepting of an increase of the majority voting threshold could be perceived as the EU giving up the advantage of its current influential position for no reasons. He also asked for clarification on the concern raised by Australia about recent proposals for changing the wording of article 3 in relation to the principle of mutual recognition.

The representative of **Bulgaria** shared the comments made the UK and voiced her concern about the impact the increased majority voting threshold may have on the decision process, in view of the interrelation between UNECE and the EU type-approval framework.

The representative of **Germany** shared the comments made the UK and indicated that Germany has not a position established yet.

The representative of **Spain** highlighted the importance of the statements made by Brazil and Ecuador at the WP.29 session in March 2015, concerning their intentions to join the 1958 Agreement. Spain has not finalised its position yet.

The representative of **Austria** indicated that no final position has been taken yet. He expressed his personal concern about the risk that the increased majority voting threshold may entail in case some Contracting Parties could establish a blocking minority, which could be to the detriment of further progress in raising safety levels. He referred in this context to the possibility of Contracting Parties to participate in the vote without being bound to apply the UN Regulations concerned.

The representative of **Sweden** expressed a preliminary positive opinion for raising the majority voting threshold, but the final position will be taken on the basis of the Commission proposal for the Council mandate.

The representative of **the Netherlands** stated that no position has been taken yet, and that political and economic consequences need to be assessed. While being positive about the development of the proposal for the revision of the Agreement, time is needed to evaluate the consequences and therefore the November WP.29 should be targeted.

The representative of **Italy** underlined the importance of an impact assessment as well as the need to take into account the conclusions of the Competitiveness Council on the CARS2020 Action Plan.

The representative of **France** stated to be generally positive, but would need the results from the impact assessment.

The representative of **Luxembourg** also considered it necessary to have the results of the impact assessment and considered that for the purpose of perennity WP.29 should continue to take decisions on the basis of consensus. Even with an increased majority voting threshold there could be a risk if not all Contracting Parties would agree with the decisions taken. WP.29 should continue to strive for total harmonisation by obtaining the agreement of all Contracting Parties.

The representative of **Romania**, whilst sharing the views of the other representatives, asked for clarification on the possible legal impact the revision of the Agreement may have with regard to UN Regulations to which some Member states have acceded but the EU not.

The **Commission services'** representative thanked the delegations for their comments and provided the following elements of clarification. The issue of raising the 2/3 majority voting threshold to 4/5 should be assessed in the light of other proposals for making the 1958 Agreement more attractive. It should be noted that one of these proposals was to provide Contracting Parties the possibility to vote by delegation (proxy voting). However this request was not retained as it was considered no longer necessary in case the majority voting threshold would be increased. As for the impact assessment being undertaken by the Commission services, he clarified that the main objective is to assess the benefits for the EU manufacturers that could result from emerging countries joining the 1958 Agreement. In reply to the request by the UK in relation to the draft wording of article 3 on mutual recognition, he clarified that Australia has indicated that it can accept the original wording for article 3 in the "frozen" proposal for Revision 3 of the 1958 Agreement and that on the basis of this indication the Commission services are confident that this issue can be resolved quickly and satisfactorily.

The **Chair** concluded the exchange of views by inviting delegations to liaise with their capitals and all interested ministries with a view to prepare themselves for the discussions on the Commission proposal in the Council working party. The Commission services will proceed with drafting the Commission Recommendation for a Council mandate with a view to present this to the Council working party as soon as possible. As the availability of the impact assessment results is a pre-condition for most Member States the Commission services will make them available as soon as the study work has been finalised. He underlined again the need to avoid a negative perception that may be created in WP.29 if the EU would not be ready for establishing its position by June 2015. Therefore it cannot be excluded that this important issue will be put on the agenda again for the next TCMV meetings.

**9. Exchange of views on sound level requirements of audible warning devices laid down in UN Regulation No 28 – Presentation by FR;**

**The FR representative** in his capacity as Chairman of UNECE GRB (working group on vehicle noise) reported on a proposal for amendments to Regulation No. 28 regarding audible warning devices (horns) fitted to vehicles, document ECE-TRANS-WP.29-GRB-2014-4e . The issue he brought to the attention of the group was the acceptable noise band and in particular the lower boundary that was proposed to be lowered from 93 to 87 dBA. There were some noise experts that had expressed a concern with the adoption of that document in GRB and he wanted to verify with the TCMV experts if they could accept the proposal as it stands.

**The DE and IT representatives** expressed their support for the proposal.

**The Chairman** concluded that the group supported the adoption of the proposal by GRB and noted that this would be one of the proposals included in the mega decision for the June 15 session.