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MINUTES
47TH TCMV MEETING



EUROPEAN COMMISSION

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-
GENERAL

Industrial Transformation and Advanced Value Chain
Automotive & Mobility Industries
TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

Brussels, 10 June 2015
ENTR/C4 – CM -

**MINUTES OF THE
47TH MEETING OF THE 'TECHNICAL COMMITTEE - MOTOR
VEHICLES' (TCMV) MEETING**

**HELD IN BRUSSELS
ON
19 MAY 2015**

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 46th meeting held on the 24 March 2015;

The minutes were approved.

4. Information from the Commission services on the upcoming work on the type-approval legislation following the adoption of the amendment to Directive 96/53/EEC on the maximum authorized dimensions and the maximum authorized weights in international traffic;

The EC representative presented the note available on CIRCABC on the upcoming work on the type-approval of vehicles regarding masses and dimension following the recent adoption by the legislator of an amendment to Directive 96/53/EEC on the maximum authorized dimensions and the maximum authorized weights in international traffic in order to foster safer and greener vehicle. He informed TCMV that a special MVWG working group would be set up. The working group will focus first on the approval of aerodynamic flaps fitted at the rear of the vehicles. The working group will meet for the first time on 2 July 2015 and delegates interested by this work were invited to send an email to our functional mailbox: GROW-C4-MEETINGS@ec.europa.eu.

5. Information from the Commission on the position to be taken by the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos. 14, 17, 28, 29, 41, 49, 51, 54, 59, 80, 83, 95, 97, 100, 101, 107, 109, 116, 117, 134 and 135, on a new UN Regulation on electric vehicles of category L and on amendments to the Consolidated Resolution on the Construction of Vehicles (R.E.3);

The Chairman introduced the subject and pointed out that a first draft document had already been presented in the Council Working Group on 12 May 15. Nevertheless the EC would summarise the issues in this meeting and indicate the follow-up of the comments by Member States in the Council.

The EC representative presented the draft mega decision and referred to 4 issues for the representatives to note. The supplement with respect to UN Regulation No 9 (noise of three-wheeled vehicles, doc 2015/59) and the supplement to UN Regulation No 63 could not be voted on as the EU has not acceded to both Regulations yet. A new UN Regulation on electric safety for L-category vehicles (mopeds, motorcycles, tricycles and quadricycles) was ready for vote and deemed as non-controversial. Consequently he recommended maintaining the doc reference 2015/69 in the Annex to the mega decision.

The EC representative referred to 3 pending documents on the WP29 agenda. Member States had agreed in the Council meeting to vote positively on pending document 2014/77 regarding a supplement to UN Regulation No 107. He continued by referring to the statement from the GRSG Chairman that pending documents 2015/36 on UN Regulation No 96 and 2015/37 on Regulation No 116, both on

vehicle alarm systems would be withdrawn from the agenda of the June 15 session of WP29 and would be resubmitted for the November 15 session of WP29. Consequently both document references were deleted from the Annex of the mega decision. He then referred to doc 2015/35 on the Consolidated Resolution on vehicle construction R.E.3 that had already been endorsed in the March 15 session of WP29 but that had not been included in the mega decision. In order to document the agreement of Member States with this action the document reference had been incorporated in the annex of the mega decision.

The EC representative presented the next milestones in the adoption process of the mega decision. On 03 Jun 15 EC adoption is anticipated and subsequently the Council secretariat will start the written proceeding to adopt the decision by the Council working group. Coreper adoption is planned to take place on 17 Jun 15, followed by Council adoption on 19 Jun 15. The WP29 meeting will take place from 22 – 26 Jun 15.

6. 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;

Background information

At the moment, for regulatory purposes emissions of light duty vehicles are measured on a laboratory test cycle (NEDC) only. "RDE testing" means measuring emissions with portable measurement systems (PEMS) while driving the vehicle on the road and should determine the real, average emissions of a vehicle on the road taking into account all possible driving situations according to their statistical occurrence. The purpose of RDE legislation is to apply the regulatory emission limits also to RDE tests and to ensure thereby a better emission performance of vehicles, in particular for NOx.

Ambient NO2 concentrations set by existing air quality legislation are systematically and massively exceeded, mainly in urban areas. As a consequence 22 Member States face infringement procedures by the Commission as well as law suits of their own citizens affected by high ambient NOx concentrations (e.g. asthmatics). NOx emissions of diesel vehicles are identified as the main culprits and RDE testing should address this situation. NOx emissions of diesel vehicles typically exceed the legal emission limits under real driving conditions by a factor of 5 or more.

The Euro 5/6 co-decision Regulation (EC) 715/2007 defines regulatory emission limits (such as NOx emission limits for diesel cars) under "normal conditions of use", i.e. not only in relation to a test cycle. It empowers the Commission to define specific test procedures in Comitology (without any limitations to laboratory test cycles) for achieving these objectives. In addition it requires the Commission specifically to monitor the real world emissions of Euro 5/6 vehicles and to revise the test procedures if necessary (what is being done with the current RDE proposal).

It is the politically intention of the Commission services to adopt the RDE legislation in 4 legislative packages:

- 1) Vote on of the RDE test procedure for gaseous pollutants by TCMV in May/June 2015, "1st RDE package"

- 2) Adoption of quantitative RDE requirements for gaseous pollutants, i.e. not-to-exceed (NTE) emission limits, by TCMV in second semester 2015, "2nd RDE package"
- 3) Adoption of RDE test procedure and quantitative requirements for particle number (PN) emissions by TCMV, early 2016, "3rd RDE package" (see remark in the "technical background" section below).
- 4) Adoption of in-service-conformity requirements for RDE testing by TCMV, end 2016, "4th RDE package"

This first legislative package 1) has been discussed at all TCMV meetings since July 2014. The issue is politically highly sensitive since it has to square the legally correct implementation of emissions limits under normal conditions of use specified by Euro 5/6 Regulation (EC) 715/2007 and serious air quality concerns related to high NO₂ concentrations on the one hand and burden for vehicle manufacturers on the other hand. By the end of 2014 a compromise for the definition of the RDE test procedure (i.e. the actual substance of the proposal) had been found. The discussion since then focused on the indication of future intentions of the Commission for the legislative package 2), in particular in relation to the definition of not-to-exceed (NTE) emission limits, even these issues had no direct impact on the effects of the first legislative package 1) itself. At the last TCMV on 24 March 2014 the Commission proposal was not supported by a sufficient number of Member States. DE had provided two amendments to this proposal, which specify that the future NTE emission limits should be introduced in two steps and remove any reference to concrete dates for the first step of these NTE emission limits. However, due to the short notice it was not possible to check and find a qualified majority for the Commission proposal with the DE amendments in March.

Discussions at TCMV:

Several Member States (BE, DE, FR, IT, ES, NL) welcomed explicitly the revised proposal of the Commission, which has essentially taken on board two comments from DE already discussed at the last TCMV of 24 March. Member States also welcomed the proposals of IT and NL suggesting two minor changes of the wording of the Commission proposal for section 2.3 and Appendix 9 to Annex IIIa of the amended Euro 5/6 Regulation (EC) 692/2008. After a short internal consultation with DG ENV representatives the chairman explained that these modifications would be acceptable for the Commission services.

In the following discussion most Member States emphasised the need that the Commission presents as soon as possible a second proposal for RDE legislation defining in particular the complementary dynamical boundary conditions and the regulatory not-to-exceed (NTE) emission limits.

In advance of the meeting UK had presented a slightly amended text, which would in addition to the Commission proposal define the introduction of binding NTE emission limits for 1 September 2017 already in this first regulatory RDE package. On the request of the UK the chairman checked informally, whether this UK proposal could be supported by a qualified majority of Member States, which was not the case.

The following specific comments were made and are added to the minutes following the request of the respective Member States:

DE:

"Germany explicitly thanked the Commission for providing the new compromise proposal covering the main reservations expressed by Member States at earlier TCMV meetings. Germany underlined the crucial need for an agreement on the first RDE package in order to avoid further delays and to ensure an adoption of the full set of RDE requirements asap. This is of particular importance for Member States to improve NO2 air quality situation but also for automotive industry to ensure sufficient lead times.

In this respect Germany requested the Commission services to provide a proposal for the second RDE package, which includes the binding quantitative RDE requirements (final and transitional NTE limits), their application dates and the additional dynamic boundary conditions, asap. Germany is looking forward to first proposals for the contents of this package in advance of next TCMV, July 1st, to facilitate a possible adoption in September 2015.

Germany welcomed the commitment of the Commission to include adequate additional dynamic boundary conditions in the second package."

ES:

"1- Spain maintains the position already presented in writing in the last TCMV on 24th March 2015, as follows:

a- It is proposed to have this first legislative package adopted with all the dynamic boundary conditions included on it,

b- Any reference to application dates, in recital 5, to be deleted

c- Include in such recital the application of the Conformity Factors in two successive phases

d- In Annex IIIA, paragraph 2.3, delete the last sentence related to the possibility of refuting the RDE test,

e- In Annex IIIA, paragraph 5.2.6, the dates of application of the boundary conditions on temperature should be fixed according to those to be decided for the introduction of the two phases for the Conformity

Factors ,

f- In Annex IIIA, paragraph 6.7, the maximum speed limit should be fixed in 230 km/h, with a tolerance of +15 km/h.

2- Additionally to the above general statement, and taking into account the discussion in yesterday's meeting, it is considered that:

- The new formulation proposed by the Commission for recital 5 is welcomed,

- As an alternative to the point d above, the word "refuted" should be changed by "reassessed",

3- As a result of the discussion in the meeting, the Spanish delegation proposes that, due to the delay in the process of adoption of this legislative dossier, the Commission:

- *Introduce the obligatory application date for the first phase of Conformity Factors, for new types of vehicles, not before two years after the publication of the complete RDE legislative package,*
- *Convene meetings with stakeholders as soon as possible, in order to present the, still not defined, dynamic boundary conditions in the next TCMV meeting foreseen on 1st July 2015."*

FR:

"Following the vote of the first technical package, which, in the perspective of the monitoring period in 2016, was expected by most Member States, it seems necessary to start working as soon as possible on the second package.

This additional text must include in particular the following provisions, which are necessary to make RDE a regulatory requirement :

- *Determination of conformity factors (primarily for NOx emissions),*
- *Determination of the application dates (for new types and all types of vehicles),*
- *Introduction of additional dynamic conditions resulting from the experts group.*

Given the ambition that RDE project must carry, with a desired application date for new types of vehicles on September 1st, 2017, it seems necessary that this additional package be presented in a fairly mature version at the July session of the TCMV and be adopted at the September session.

France stands available for any help in order to reach as soon as possible to a first version of this package."

RO:

"RO stated that its position could be flexible, depending on the result of the discussions concerning the following items:

- *a clear statement of the Commission that the completion of the boundary conditions will be taken into account in the frame of the second package together with the timetable and the CFs:*
- *the modification of the pt. 2.3 of the Annex IIIA according to the Italian position (reassessed instead of refuted);*
- *the modification of the pt. 6.7 of the Annex IIIA introducing the speed of 130 + 15 km/h instead of 145 + 15 km/h, because 130 km/h is the limit speed for the majority of the MS - modification sustained also for IT and ES.*

After the COM proposals, RO stressed that it is necessary that the COM make a statement in a official document accepting that the completion of the boundary conditions will be part of the second package."

UK:

"The UK is disappointed that our amending proposal has not been accepted. The failure of successive Euro standards to deliver the expected emission reductions in

real world driving conditions is the main reason why 17 Member States, including the UK, are not meeting EU limit values for nitrogen dioxide. Rectifying this problem is a prerequisite for ensuring compliance with those limits. The UK wants to see this issue resolved as soon as possible and we would like to see a commitment from the Commission to bring forward a proposal setting both the implementation dates and not to exceed limits by July. We will continue to work with the Commission and Member States to secure agreement and application of the new rules as soon as possible."

After this discussion the chairman indicated the following:

- The proposal for the second regulatory RDE package will include complementary dynamical boundary conditions, i.e. the latter will be applicable together with the binding NTE emission limits
- The Commission services will make all effort to prepare a proposal for the secondary RDE package addressing the quantitative NTE emission limits and associated application dates until end September 2015.
- Regardless of this explicit mention of regulatory dates in the current proposal as requested by UK, the Commission services will work on the basis of the Cars 2020 Communication, which is also referred to in recital (5) of the Commission proposal, for the development of the second regulatory RDE proposal defining NTE emission limits and respective application dates.

The chairman proceeded with a formal vote on the Commission proposal amended as follows (according to the IT/NL comments):

- (1) In section 2.3 of the new Annex IIIa of Regulation (EC) 692/2008 the term "refuted" will be changed into "reassessed".
- (2) In Appendix 9 to the new Annex IIIa of Regulation (EC) 692/2008 the text to be certified by the manufacturers changes to:

"The vehicle types listed in the attachment to this Certificate comply with the requirements laid down in point 2.1 of Annex IIIA to Regulation (EC) No 692/2008 relating to real driving emissions for all possible RDE tests, which are in accordance to the requirements of this Annex."

The amended proposal was voted in favour by all Member States present, except UK, CZ and HU, which were abstaining.

7. AOB

The representative of Sweden asked to be informed on the state of play with regard to the Commission's intention to prepare proposals for the review of Framework Directive 2007/46/EC. The representative of the Commission services explained that the file has been blocked within the Commission for political reasons and that there are no indications available about the possible timing by which further progress could be expected.