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GENERAL

Industrial Transformation and Advanced Value Chains

Automotive & Mobility Industries

TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

Brussels, 15 September 2015

GROW/C4 – CM -

**MINUTES OF THE  
48TH MEETING OF THE 'TECHNICAL COMMITTEE - MOTOR  
VEHICLES' (TCMV) MEETING**

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**HELD IN BRUSSELS**

**ON**

**01 JULY 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 47th meeting held on the 19 May 2015;**

The minutes were approved.

**4 Information by the Commission on the negotiations between EU and US;**

The Commission representative made a presentation on the state of play of the TTIP negotiations with the US in what regards the automotive sector, underlining that the talks were focusing on three main points: (1) equivalence of the regulatory approach; (2) harmonisation in specific areas; (3) Revision of the working methods of the UN 1998 Agreement on Global Technical Regulations; and (4) enhanced coordination in research agendas.

The Commission representative also presented the "Non-paper by the European Commission: draft response regarding the US proposal for a *"Vehicle Safety Harmonisation Process"*", requesting the Member States to convey any comments on the approach presented. No Member State provided comments to the document.

The representative of Luxembourg requested that the Commission would confirm that the negotiation would not have impact on the EU type-approval system. The Commission representative confirmed that US and the EU were only discussing equivalence and/or harmonisation of technical requirements and/or test procedures, and not conformity assessment procedures.

**5. Exchange of views on evaporative emission requirements for category L3e motorcycles with a maximum vehicle speed of less than 130 km/h and complying with the Euro 4 environmental step set out in Regulation (EU) No 168/2013;**

The EC representative explained the issue with respect to explanatory note 13 in Annex VI(C1) to Regulation (EU) No 168/2013. He pointed out that the concern was the inconsistency which this note created between the application timing set out in point 1.4.3 of Annex IV to Regulation (EU) No 168/2013, which assumes that all new L3e motorcycle types as of 01 Jan 2016 are to be made subject to the evaporative SHED test, as laid down in Appendix 3 of Annex V to Regulation (EU) No 134/2014 on environmental performance test procedures and requirements of L-category vehicles. At the same time the explanatory note exempts category L3e vehicles, compliant with the Euro 4 environmental step and with a max vehicle speed lower than or equal to 130 km/h from being subject to evaporative testing against the evaporative emission limit set-out in Annex VI(C1) to Regulation (EU) No 168/2013.

The EC representative stressed the importance of the decision with respect to the cost benefit analysis that had been made in the impact assessment back in 2009 as it was identified that low-speed motorcycles of category L3e present the biggest share of the fleet on the market and that it was therefore assumed that all L3e motorcycles would need to be tested and validated against the applicable Euro 4 SHED test limit. He referred to the EC proposal COM(2010) 542 final in which the inconsistency was already present and therefore initially the EC had taken the position that the footnote had been error and

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should have been deleted. He also underlined the importance of the issue being clarified soon so as to provide planning security to vehicle manufacturers as there was only half a year left before the Euro 4 step becomes applicable. Hence, he requested the Member State representatives to express their views while taking into account these facts.

**The DE representative** expressed his support for the initial EC proposal to delete the explanatory note and to apply both the SHED test and associated limit to all L3e motorcycles.

**The ES representative** was in favour of aligning the timing table Annex IV with the test limit requirements set-out in Annex VI(C1) and to maintain explanatory note 13.

**The FR representative** explained that this inconsistency should be corrected in due course but he also was of the opinion that it was impossible for vehicle manufacturers to still change and validate the design of new types of motorcycles within half a year if the explanatory note would be deleted. He was in favour of taking 18 – 24 months lead-time from the vehicle manufacturers into account in order to bring the vehicles in conformity with such an amended requirement and urged the EC to put this into approval legislation.

**The DK representative** inquired why vehicle speed was chosen as a criterion for evaporative emission testing.

**The EC representative** explained that this was a rough method to separate lower priced motorcycles from high priced models as typically high end motorcycles have a higher max. vehicle speed.

**The NL representative** did not recall that the explanatory note had been discussed at length during the adoption process of Regulation (EU) No 168/2013 and was not against deletion of the explanatory note but agreed with his FR colleague that a fair and realistic time is needed to make low-end motorcycles with a vehicle speed lower than 130 km/h subject to the SHED test limit set out in Annex (C1).

**The EC representative** provided the legal analysis of the issue and stated that ideally in explanatory notes no legislative content should have been added. She reminded that explanatory notes should always be of declaratory nature.

Madam Chair concluded the exchange of views and she pointed out that despite the different views from the representatives it was important to finalise the discussions and to provide sufficient clarity to authorities and stakeholders with the shortest possible delay. She explained that the explanatory note is part of Codecision legislation and that correcting even such a small note in the heaviest amendment procedure would probably take so long that the change can only become effective in the timeframe that the Euro 5 step will apply. This step already foresees that all L3e motorcycles are subject to the SHED test and associated limit. She therefore concluded that the text should be maintained as published with respect to this issue.

## **6. Discussion of a regulatory text for defining NTE emission limits and adding complementary dynamic boundary conditions to the RDE test procedure**

The Commission representative gave a detailed overview on the state of play of the development of the second regulatory RDE package, defining complementary boundary conditions and NTE emission limits. In addition he lined out a possible strategy for

defining the two steps of NTE emission limits in this respect. The presentation is available on Circabc.

In the following discussion Member States, in particular DE, FR, UK, NL, SE and DK, expressed their support for the principle that the 2<sup>nd</sup> step of RDE NTE emission limits must be guided by a strict interpretation of existing Euro emission limits defined in the co-decision Regulation (EC) 715/2007 and taking into account an error analysis of the PEMS procedures. In particular, existing or claimed constraints from the performance of existing vehicles cannot be used as an argument to weaken up the quantitative requirements for this 2<sup>nd</sup> step. The Commission representative explained that currently an error analysis of the PEMS procedure is on the way, the results will be shared with the stakeholders as soon as possible.

The views of Member States on the suggested "technology approach" for defining the 1<sup>st</sup> step of NTE emission limits were more varied. While it was welcomed that the Commission tries to find a systematic way for defining these values, Member States raised some scepticism about the intended timeline of this approach. FR, DE and NL emphasised that a possible vote on RDE NTE emission limits still in 2015 is of utmost importance. With an optimistic view on the political process this means that the Commission has to make a solid (informal) proposal of concrete quantitative values for discussion at TCMV at latest by early October (taking into account the necessary administrative steps, such as inter-service consultation etc.).

In particular FR emphasised that the 1<sup>st</sup> step of NTE emission limits may therefore have to be defined "pragmatically", i.e. by politically choosing some intermediate value between the 2<sup>nd</sup> step NTE emission limit and the NTE emission limits observed today for "Euro 6 mainstream" vehicles. The Commission representative acknowledged these difficulties but said that the necessary analysis for the "technology approach" will still have to be started even though at the end probably some compromises will be necessary to meet the intended timeline. The Commission representative also said that a questionnaire for collection of data in this respect will be sent out to stakeholders within the coming days (which will also be made available to TCMV on Circabc).

## **7. AOB**

### **7.1 State of play World-harmonised Light-duty vehicle Test Protocol (WLTP)**

The Commission representative gave a detailed overview on the state of play of the development of the WLTP GTR phase 1b at UNECE level, its transposition into EU legislation and the work on correlating the CO<sub>2</sub> emissions measured on the (current) NEDC and (future) WLTP, which is necessary to ensure a comparable level of stringency when adopting the CO<sub>2</sub> fleet targets after the introduction of the WLTP. The presentation is available on Circabc. Unfortunately, due to the time constraints, a detailed discussion of the matter at TCMV was not possible anymore.

### **7.2 Exchange of views on point 1.4.2 regarding permeability test requirements and point 2.3.1. on obligatory fitting of automatic switching-on of lighting (AHO) of Annex IV to Regulation (EU) No 168/2013**

The EC representative introduced both related timing and application issues but pointed out that the point on AHO was more complicated compared to the permeability test timing issue. He explained that this latter requirement was not changed in substance when comparing current type-approval requirements set out in Directives 2002/24/EC and 97/24/EC compared to Regulation (EU) No 168/2013 and Regulation (EU) No 134/2014

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for L-category vehicles equipped with a plastic fuel tank. Both the substantial requirements and test limits, besides some wording improvements in the new package, are the same and therefore this should not be a reason for an existing approval to become obsolete.

**The EC representative** continued with the presentation by stating that the AHO issue was more complex owing to the fact that technically many approved motorcycles already complied with the automatic switching-on of lighting but that this had not been an explicit part of type-approval before 01 July 2014, and was therefore often not documented in the form of an explicit entry in the information package, in a test report, on the type approval certificate or on the certificate of conformity, which is essential now that AHO became mandatory in July 2014 for new types in accordance with Directive 2009/67/EC amended by Directive 2013/60/EU and will be mandatory for all new vehicles placed on the market as of 01 January 2016. He stated that working document 4b2\_2014\_11\_03\_168\_2013\_Annex IV 2.3.1 AHO v1.pdf had been provided in the MCWG meeting of 17 December 2014 which should serve as guidance table. In short there are 3 alternative solutions for vehicle categories L1e and L3e, which are requesting still in 2015: 1) an extension based on Directive 2009/67/EC taking amending Directive 2013/60/EU into account; 2) a UNECE approval in accordance with UN R53, R74 or R87; 3) an approval in accordance with Regulation (EU) No 168/2013 supplemented with Regulation (EU) No 3/2014. For all other categories of light vehicles alternatives 1) and 3) are available.

**The NL representative** agreed with the 3 presented solutions with respect to AHO and was of the opinion that these concerns could be resolved bilaterally among approval authorities and vehicle manufacturers.

**The AT representative** acknowledged the presented solutions to both issues but required additional time to review the presentation material. He stated that in this case the EC may not assume that silence means agreement. He was concerned that in the case of first registration of vehicles with respect to AHO it might not be possible for the registration authority to retrieve the information whether or not the vehicle had been approved with AHO if this was not firmly documented in type-approval.

**The DE representative** could accept the interpretation by the EC on permeability testing and could also support the 3 alternatives with respect to AHO.

**The UK representative** could in principle also agree with the proposed solutions but pointed out that although the permeability test procedure and limits were the same the test fuel was different, which was acknowledged by the EC representative.

**The FR representative** reiterated that France had already raised these possible concerns during the adoption process of Regulation (EU) No 168/2013 but nevertheless could agree accepting test reports as evidence that the requirements had been fulfilled in a satisfactory way.

**The ES representative** agreed with his FR colleague and confirmed that ES would look into the presentation and concerns in more detail. He stated that if deemed necessary ES would submit comments in writing.

**Madam Chair** concluded that the experts were agreeing that the permeability test requirements set-out in Regulation (EU) No 168/2013 supplemented with Regulation (EU) No 134/2014 were fulfilled if the same design plastic fuel tank had already been approved in accordance with the requirements set out in Directive 97/24/EC, Chapter 6, Annex I, point 2.1 in the existing approval. With respect to AHO she concluded that although the three presented alternatives might not be convenient to vehicle

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manufacturers and might incur cost the requirements set out in Regulation (EU) No 168/2013 had to be respected by choosing one out of three, respectively two available alternatives.