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MINUTES
51ST TCMV MEETING



EUROPEAN COMMISSION

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-
GENERAL

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

Brussels, 26 November 2015
GROW/C4 – CM -

**FINAL MINUTES OF THE
51ST MEETING OF THE 'TECHNICAL COMMITTEE - MOTOR
VEHICLES' (TCMV) MEETING**

**HELD IN BRUSSELS
ON
28 OCTOBER 2015**

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000106

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 50th meeting held on the 6 October 2015;

Three Member States commented on the draft minutes from the 50th meeting held on the 6 October 2015.

The representatives of Germany noted that they have some comments on the minutes but since they did not have sufficient time to check them, they would not be able to agree on the draft minutes at the current meeting.

The representatives of France noted that they have not asked other manufacturers about their potential use of defeat devices. Therefore the representatives of France requested that the following sentence is removed from the minutes: "All manufacturers have been asked whether they have used a similar strategy".

The representatives of Spain noted that it was not Mr Garcia Garcia but Mr J. P. Laguna Gomez who was at the 50th meeting held on 6 October 2015.

The Chairman noted the comments and the corresponding changes will be introduced in the minutes from the 50th TCMV meeting.

4. 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;

The Chairman introduced the proposal for discussion, stressing that the aim of the meeting was to vote on it. He explained that the proposal is an implementing act. The Chairman also noted the importance of adopting the proposal on time in order to address the concerns of the Member States (MS) and send a positive signal to the citizens. The Chairman clarified that if a negative or no vote is cast, the proposal will be submitted to the Council. Finally, it was noted that the European Parliament had expressed its expectations regarding the responsibilities of the MS towards the discussed draft RDE proposal.

It was emphasised that the proposed text was very much in line with the text debated on 6 October 2015. The Commission followed its previous position on the implementation dates and conformity factors. The Commission had introduced some adjustments to the text in accordance to the debate on 6 October. One of the adjustments concerned moving the concept of Transfer Functions (TF) from the normative part of the draft Regulation to the recitals.

A representative of the Commission gave a brief recap of the draft and its main elements. The draft proposal maintained the two step approach which implied two dates for the application of the RDE. First set of dates – September 2017/2018 for the first conformity

000107

factor (CF) and the second set of dates - September 2019/2020 for the final CF. Based on previous explanations and comments from MS, the Commission maintained its position on conformity factor equal to 1.6 for the first step and a margin of 0.2, reflecting uncertainties of the measurement procedure, for the second step.

Taking into account that the concept of Transfer Functions will not be developed sufficiently in the coming months, the Commission considered, not least for legal reasons, not to have the text in the normative part of the Regulation. Therefore in the discussed new draft, the concept of TF was introduced in the recitals.

In the proposal one more definition was introduced, namely base emission strategy and alternative emission strategy, in order to facilitate the supervision of emission control and to better prevent "defeat devices". A **representative of the Commission** explained the concept and the reasoning behind the introduction of this definition.

Article 3(10) of the first package defined exceptions that do not have to comply with CF since no CF were adopted yet. With the draft proposal and the adoption of CF, there is a need to change these conditions, because otherwise all the exceptions will not be valid. With the introduction of this change it is ensured that during the monitoring phase no emission limits are applicable to the RDE testing for the mentioned exceptions.

In this context the **representative of Italy** requested that a third clause about the confidentiality of such strategies should also be included in order to reflect the Euro 6 legislation.

The Chairman invited all MS to indicate their opinion on the main elements of the proposal, namely:

- 1) Conformity Factors (CF)
- 2) Dates of application
- 3) Transfer Functions (TF)
- 4) Any other specific elements that may concern the MS

Some Member States (IT, SE, ES, CZ, HU, RO) noted that the vote should be postponed to the next TCMV meeting due to the short amount of time given to the Member States to reflect on the changes of the draft proposal. The UK proposed a longer delay. Other Member States (FI, AU, NL, LT, FR, DK), considered that the second RDE package should be adopted as soon as possible and thus should be voted at the 51st TCMV meeting. **The Commission** took the view that the vote should be taken at the 51st TCMV meeting since the communicated text was mainly the same with some fine-tuning and just a few additions to the text. Details:

The representative of the UK noted the importance of the issue but cautioned against a rushed decision. The UK considered it premature to take a decision during the 51st TCMV meeting since the details of the proposal were of great importance and the draft proposal had

000108

fundamental changes to earlier drafts, especially the requirement that the CF be met in urban conditions in addition to the whole test cycle.

On the specific points raised by the Chairman, the UK prefers the 1st step: CF=2.2 and 2017/2018 for dates of application. The UK was disappointed that the TF was removed from the normative text and considered that the boundary conditions needed to be changed according to a note sent to the TCMV members that day. Moreover, the UK expressed concerns that the potential of deNOx technology, which is currently used in over 50% of the European market, was not included in the methodology used to calculate the market impacts of the step 1:CF.

The representative of Slovakia considered that the CF for step 1 should be at least CF=2, while for the second step, it should be at least CF= 1.5. Regarding the dates, SK proposed 2017/2019 for the 1st step and for the 2nd step - 2020/2021.

The representative of Sweden took the position that the CF for the 1st step should be CF=2.5 and CF= 1.2 for the 2nd step. Additionally, Sweden considered that the dates should be postponed with 1 additional year compared to the Commission proposal. Sweden was not in favour of the TF for the second step. It was suggested that the voting on the proposal is postponed for the next TCMV meeting.

The representative of Finland supported that Commission proposal but noted that they can be flexible on the CF for step 1.

The representative of Slovenia was in favour of a prompt solution but noted the need to take into account the possibilities of industry to adjust. Slovenia noted that it can be flexible with the proposal.

The representative of Portugal expressed his support for the Commission's proposal. In order not to delay the adoption of the proposal he considered that the TF should not be in the proposal.

The representative of Romania noted the unexpected changes in the proposal and considered that they cannot accept them without receiving justifications. It was stressed that the aim of the proposed text was to reduce pollution. However, Romania considered, as explained in the submitted written opinion, that the difference in pollution levels was very small between the stricter Commission proposal and a less strict option. Therefore, Romania considered that the CF should be less strict. Regarding the TF, Romania took the view that keeping the concept in the normative part of the proposal was a better solution. RO also noted that it would like to address the boundary conditions as expressed in its written contribution.

Additionally, RO expressed concerns about loopholes in the proposal, which might allow imported vehicles not to comply with the EU emission standards.

The representative of Romania took the position that the 1st step should be applied as of 01.09.2017/01.09.2019 with CF=2.8, while step 2 should be applied from 01.09.2020/01.09.2022 (could accept 01.09.2021 as compromise) with CF= 1.8. The CFs values are negotiable.

000109

The representative of Poland took the position that the 1st step should be applied as of 2017/2019 with CF=2.5, while step 2 should be applied from 2020/2021 with CF= 1.5. Poland could support the TF.

The representative of Ireland expressed full support for the Commission proposal.

The representative of Austria was in favour of an early implementation, thus supporting the proposed dates. However, AU proposed CF= 2.5 for the 1st step and at least CF= 1.4 for the 2nd step. According to AU, further discussion was needed on the TF.

The representative of the Netherlands considered that it is important for the proposed legislation to be adopted as soon as possible. This will be a big step to recover the trust of the consumers.

NL considered that the dates set should be moved to January 2017/2018 and cautioned that their mandate was to introduce directly the final CF. NL supported the removal of TF from the normative text as well as the more explicit definition of a CF for urban driving. Regarding the boundary conditions, NL took the view that driving behaviour should be further investigated before fixing them.

The representative of Malta fully supported the text proposed by the Commission.

The representative of Hungary also expressed the view that there was not enough time to review the proposal. HU proposed for the 1st step: CF=2.5 and dates of application 2017/2019 M, N1 class I vehicles equipped with compression ignition (CI) engines. HU considered that for the second step the dates should be 2021 for new type and 2022 for all types. For vehicles with positive ignition engines, HU suggests applying only the 2nd step of RDE requirements. HU considered that more information is needed on TF.

The representative of Luxembourg informed that the political will in Luxembourg was to accept the Commission's objectives. As to the CF, LUX explained that those will depend on the tests and the boundary conditions.

The representative of Latvia was in favour of an early implementation especially taking into account the political element of the problem but stressed that the interests of the industry should also be considered and no loopholes allowed as mentioned by RO.

The representative of Cyprus was in favour of the Commission proposal.

The representative of Italy considered that the text should be adopted by the end of 2015. IT was surprised by the CF and dates proposed by the Commission and considered that the 1st step should be adopted in 2019 for new vehicles and while CF around 3 was considered appropriate, IT was open to accept CF=2.5 for 1ST step and CF=1.4 for the 2nd step. According to IT, vehicles N1, classes 2&3 should be excluded from step 1 since they represent niche vehicles. IT considered that TFs would be better included in the normative text than just in a recital.

000110

The representative of Croatia communicated his support for the Commission proposal but indicated that a compromise can be attempted as well. Croatia could accept the TF provided that this did not cause delays.

The representative of France indicated that compromise should be reached at the 51st TCMV meeting and supported $CF < 2$ and application dates respectively 2017/2019 for the 1st step; and CF between 1.4 and 1.6 and 2019/2020 for the 2nd step.

The representative of Spain also considered that he needs more time before voting on the proposal. ES was surprised by some of the new provisions in the proposal, such as the CF for urban driving.

ES considered that it had presented a proposal which ensured a balance between manufacturers and environmental concerns. ES thus proposed $CF = 2.3$ for 1st step and $CF = 1.6$ for 2nd step. Regarding the timeline, ES considered that the 1st step should be applied as of 2017/2019 (not applying to heavy commercial vehicles given the limited number of vehicles in this sector) and 2nd step as of 2020/2022. Regarding TF, Spain was in favour of the Commission's text proposed on 6 October.

ES considered that appropriate definition of dynamic conditions is crucial.

The representative of Belgium welcomed the proposal and said he can be flexible in reaching a compromise.

The representative of Bulgaria expressed his support of reaching of compromise but considered that for the 1st step, a $CF = 3$ should be applied, while all the deadlines should be extended by 1 year.

The representative of the Czech Republic expressed the need for additional time to study the proposed text. Based on their written submission, however, CZ considered that for 1st step a $CF = 2.7$ and dates 2017/2019 are appropriate. For 2nd step: $CF = 1.7$ and application dates of 2020/2022.

The representative of Denmark expressed her hope for a solution during the 51st TCMV meeting and proposed for 1st step a $CF = 1.4$ and application dates of January 2017/2018. For 2nd step: $CF = 1.18$ and application dates of January 2019/2020. DK supported NL regarding the TF.

According to DK, more stringent CF and earlier dates were necessary to ensure consumer confidence and environmental protection.

The representative of Germany agreed with FR that a compromise should be found but considered that the CF should be raised and the dates should reflect the changes in the CF. However, early implementation was important. DE considered that TFs should be put in the articles, rather than in recitals.

DE considered that the Type-approval legislation needs to be reworked.

The representative of Estonia stated that he can be flexible in his approach.

000111

The representative of Norway supported the Commission proposal.

The Chairman thanked all the representatives for their positions.

After hearing the position and concerns of the Member States, **the Chairman** asked the Member States to shortly express their opinion on a compromise text, which included for step 1: CF=2.1 and application dates 2017/2019 (new type approvals/all firstly registered vehicles) and CF=1.5 for step 2. The proposal did not receive majority approval by the Member States. Most of them considered it too stringent.

The Commission therefore proposed the revised compromise, which included the introduction of a confidentiality clause for the emission control strategy to be communicated by the manufacturers and changes in the text (for category M and category N1 class 1 vehicles):

- Step 1: CF=2.1 and application dates- September 2017/2019 (new type approvals/all firstly registered vehicles)
- Step 2: CF= 1.0 and application from January 2020/2021 (new type approvals/all firstly registered vehicles)
- A measurement tolerance of 0.5 for step 2 is allowed but which is subject to an annual review
- Transfer Functions are returned in the normative text as suggested in the Commission service proposal of the TCMV of 6 October
- A new recital is introduced as follows: "Finally, recognising the need to control NOx emissions in urban conditions, urgent consideration shall be given to changing the relative weighting of the urban, rural and motorway elements of the RDE test to ensure a low conformity factor can be achieved in practice, creating a further boundary condition relating to driving dynamics in the third regulatory RDE package above which the extended conditions shall be applicable from the step 1 introduction dates"
- The application dates for category N1 class 2 and 3 and category N2 vehicle are always 1 year later.

Based on these conditions, the TCMV gave a **positive vote** and adopted the amended proposal.

5. Discussion on the updated Commission draft proposal for the amendments to Regulation (EU) 582/2011;

This point was not discussed and will be added to the agenda of the next TCMV on the 17 November 2015.

6. AOB