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From: BG Delegation
To: Working Party on Technical Harmonisation (Motor vehicles)
Subject: BG Comments on proposal to amend the light vehicle emission type approval regulation (715/2007)
Proposals by Bulgaria
on the Proposal for a Regulation of the European parliament and of the Council amending Regulation (EC) No 715/2007 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 (doc.10347/19)

The proposed amendments are highlighted in bold and underlined.

Bulgaria would strongly like to see a solution based on implementing rather than delegated acts. This is an area where we really must have the full involvement of national experts, rather than simple consultation, as with delegated acts.

1. We are aware that the recitals will need closer attention, but recital 10 should be deleted already since the PRAC does not automatically translate into DA.

(10) The Treaty of Lisbon introduced the possibility for the legislator to delegate power to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. The measures which can be covered by delegations of powers, as referred to in Article 290(1) TFEU, correspond in principle to those covered by the regulatory procedure with scrutiny established by Article 5a of Council Decision 1999/468/EC. It is therefore necessary to adapt to Article 290 TFEU the provisions of Regulation (EC) No 715/2007 which provide for the use of the regulatory procedure with scrutiny.

2. In Article 1, point 3, amending Art.4, letter a) second subparagraph for setting the value of conformity factor, we share the approach proposed by Czech Republic in document WK 9872/2019. Same approach must be followed for Article 1, point 7, amending Art.10, letter b), paragraph 4, second subparagraph and for Article 1, point 7, amending Art.10, letter b), paragraph 5, second subparagraph. In compliance with that approach, deletion of Art.14, paragraph 3, letter b) is proposed in the document.

3. In Article 1, point 4 amending Art.5, letter b) has to be amended as follows:

3. The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to supplement paragraphs 1 and 2. In order to ensure the uniform application of the obligations laid down in paragraphs 1 and 2, the Commission shall adopt implementing acts in accordance with the examination procedure referred to in Article 15(2) by laying down specific requirements and developing the specific procedures, tests and requirements for type-approval set out in this paragraph relating to in particular:”;

4. In Article 1, point 6, replacing Article 8: (under the condition this Article is kept following the discussions during the meeting in July), the text has to be amended taking into consideration the Coreper text of October 2015, doc. 12853/15:

“Article 8
Implementing acts relating to vehicle repair and maintenance information
Where necessary in order to ensure the uniform application of the obligations set out in Articles 6 and 7, the Commission may adopt implementing acts. This shall include laying down the technical specifications relating to the way in which OBD and vehicle repair and
maintenance information shall be provided [...]. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

In exercising the power conferred on it by this Article, the Commission shall pay special attention to the specific needs of SMEs.

5. In Article 1, point 10, amending Art.14, paragraph 3 has to be deleted:

3. The Commission is empowered to adopt delegated acts in accordance with Article 14a:
   (a) supplementing this Regulation in order to adapt the procedures, tests and requirements as well as the test cycles used to measure emissions in order to adequately reflect real driving emissions;
   (b) amending this Regulation in order to adapt to technical progress the pollutant-specific final conformity factors set out in Table 2a to Annex I.”;

6. In Article 1, point 12, replacing Art.15, new subparagraph in paragraph 2 has to be introduced as follows:

2. [..]

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.”