Brussels, 05 September 2019

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WORKING DOCUMENT

From: SK Delegation
To: Working Party on Technical Harmonisation (Motor vehicles)
Subject: SK Comments on proposal to amend the light vehicle emissions type approval regulation (715/2007)
Slovak comments regarding the Proposal for a Regulation of the European Parliament and 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

The Slovak Republic would like to present concerns about the negative impact of the judgment of the General Court published on 13th of December 2018 (Ville de Paris Ville de Madrid and Ville de Bruxelles vs European Commission in Joined Cases T-339/16, T-391/16 and T-352/16) on the automotive industry. This judgement may result in a significant failure of the planned production of vehicles, which can have negative and far reaching consequences for the automotive industry. We would like to thank to the European Commission (EC) for the quick response to new circumstances and shortly submitting a proposal for a Regulation amending Regulation (EC) No. 715/2017. We assumed that EC would present a proposal for a Regulation amending Regulation (EC) No. 715/2017 that will synchronize with the judgment of the General Court and maintain the status quo. Therefore we would like to inform that the Slovak Republic can not support any changes in the conformity factors compared to the current situation and can not support any other form of issuing secondary acts to Regulation (EC) No. 715/2007, which will not be approved by the Technical Committee for Motor Vehicles (TCMV). Based on this comments we do propose following changes.

The proposed amendments are highlighted in bold and underlined.

A. Delegated/implementing acts, exercise of the delegation

<table>
<thead>
<tr>
<th>Recital 10</th>
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<tbody>
<tr>
<td>(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/EC11. 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.</td>
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<tr>
<th>Article 1, point 4 – amending Article 5, letter (b) point 3</th>
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</tr>
</thead>
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<tr>
<td>“3. The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to supplement paragraphs 1 and 2 by laying down specific requirements and developing the specific procedures, tests and requirements for type-approval set out in</td>
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</table>
| Article 1, point 4 – amending Article 8  
| “Article 8  
Delegated acts on access to vehicle repair and maintenance information  
The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to supplement Articles 6 and 7. This shall include the definition and updating of technical specifications relating to the way in which OBD and vehicle repair and maintenance information shall be provided, with special attention being paid to the specific needs of SMEs.”;  
| Article 1, point 4 – amending Article 8  
“Article 8  
Delegated acts on access to vehicle repair and maintenance information  
The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to supplement Articles 6 and 7. 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 the definition and updating of laying down the technical specifications relating to the way in which OBD and vehicle repair and maintenance information shall be provided, with special attention being paid to the specific needs of SMEs.”  
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).;  
| Article 1, point 10 – amending Article 14 para 3  
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.”;  
| Article 1, point 10 – amending Article 14 para 3  
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.”;  
| Article 1, point 12 – amending Article 15 para 2  
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.”;  
| Article 1, point 12 – amending Article 15 para 2  
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. 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.

Justification:
The secondary acts supplementing Regulation (EC) No 715/2007 have been adopted by co-decision at the Technical Committee - Motor Vehicles (TCMV) where all Member States are represented. The Slovak Republic insists on this co-decision procedure also in the future and close cooperation with TCMV. Therefore we can not support just simple consultation of the EC when adopting delegated acts

B. Real Driving Emissions Conformity Factors

“Table 2a

Real Driving Emissions Conformity Factors

<table>
<thead>
<tr>
<th>CF pollutant-final (^{(2)})</th>
<th>Oxides of nitrogen ((\text{NO}_x))</th>
<th>Number of particles ((\text{PN}))</th>
<th>Carbon monoxide ((\text{CO}))</th>
<th>Total hydrocarbons ((\text{THC}))</th>
<th>Combined hydrocarbons and oxides of nitrogen ((\text{THC} + \text{NO}_x))</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,43</td>
<td>1,5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

“Table 2a

Real Driving Emissions Conformity Factors

<table>
<thead>
<tr>
<th>CF pollutant-temp (^{(3)})</th>
<th>Oxides of nitrogen ((\text{NO}_x))</th>
<th>Number of particles ((\text{PN}))</th>
<th>Carbon monoxide ((\text{CO}))</th>
<th>Total hydrocarbons ((\text{THC}))</th>
<th>Combined hydrocarbons and oxides of nitrogen ((\text{THC} + \text{NO}_x))</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,1</td>
<td>1,5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Justification:
The Slovak Republic has an opinion that conformity factory should be clearly formulated as a range of measurement error. Following this we do propose similar wording as it stands in Regulation (EC) 2016/646.