
From: [REDACTED] (CAB-BIENKOWSKA) on behalf of BIENKOWSKA Elzbieta (CAB-BIENKOWSKA)
Sent: 04 March 2019 17:41
To: VAN BREMPT Kathleen (EP)
Cc: [REDACTED] (EP); [REDACTED] (CAB-BIENKOWSKA); [REDACTED] (CAB-BIENKOWSKA)
Subject: RE: follow up EMIS hearing

Dear Ms Van Brempt,

Thank you very much for your message and for the fruitful and constructive exchange in ENVI committee on 20 February.

I would like first to inform that the Commission has in the meantime lodged an appeal to the General Court ruling on 23 February. -

Indeed, the Commission disagrees with the legal assessment of the General Court that when setting the conformity factors for the Real Driving Emission test procedure (in Commission Regulation (EU) 2016/646, so called "RDE 2" Regulation), the Commission modified an essential element of the emission legislation (European Parliament and Council Regulation (EC) 715/2007 on Euro 5/6). The emission limits remain the same, and the laboratory tests established for their implementation also remain in place. The contested Commission RDE 2 Regulation merely adds another test regime to verify the results of laboratory emission measurements under real driving conditions.

It is also important to note is that while the General Court considers the Commission had no empowerment from the co-legislators to adopt the conformity factors, the General Court did not rule on the technical necessity of the conformity factors.

As indicated during my intervention, the Commission will swiftly adopt a legislative proposal in which the European Parliament and the Council will have the opportunity determine the level of the conformity factors.

My aim is to have new legislation in force before the end of the deadline set by the Court, i.e. 23 February 2020.

As follow up to ENVI committee meeting last week and the brief exchange of views we had on that day, I would like to meet with you in person during the upcoming EP session in Strasbourg.

For the moment, my calendar would allow a meeting on Tuesday 12th March from 10:00 to 11:45 or in the afternoon from 16:00 to 17:00.

If this date does not suit you, please do not hesitate to suggest an alternative.

If you believe that it important to have other MEPs with us for this discussion, please let us know whom you would suggest to invite.

Looking forward to hearing from you,

Best regards,

Elzbieta Bienkowska