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### WORKING PAPER

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### **MEETING DOCUMENT**

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From:	Romanian Delegation
To:	Working Party on Technical Harmonisation (Motor vehicles)
Subject:	RO comments regarding „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” (document st12161/19)

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### RO comments regarding

„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”  
(document st12161/19)

#### Ordinary legislative procedure + revision clause / Implementing acts /Delegated acts

Art. 1/(4)/(b) – Art. 5/3 of Regulation (EC) No 715/2007

Art. 1/(6) - Art. 8 of Regulation (EC) No 715/2007

Art. 1/(10) - Art. 14/2 and 3 of Regulation (EC) No 715/2007

RO considers that all the values set out in the Annex to Regulation (EC) No 715/2007 are essential elements of that Regulation and having in view the provisions of Art. 290 of the TFUE they should not be amended or supplemented by delegated acts. The use of the ordinary legislative procedure for all values set out in the Annex to Regulation (EC) No 715/2007 would ensure a strong legal certainty.

With regard to the other provisions of the aforementioned articles, RO has a flexible position regarding the use of the implementing or delegated acts (with a preference for the implementing acts). In any case, there should be no difference of approach between the provisions of Art. 1/(4)/(b) and Art. 1/(10); also, when opting for the implementing acts, it is necessary that they do not refer to the elements that are included in the Annex to Regulation (EC) No 715/2007.

Regarding the revision clause, RO has a flexible position, we can accept it, but we consider that it is not necessary; it should be left to the Commission the flexibility to propose amendments to the Annex depending on the technological evolutions without time constraints.

Consequently, RO proposes the following changes in relation to the last PRES proposal:

Art. 1/(4)/(b)	
Art. 5/3/(a) tailpipe emissions, including test cycles, low ambient temperature emissions, emissions at idling speed, smoke opacity and correct functioning and regeneration of after-treatment systems;	(a) tailpipe emissions, <del>including test cycles, low ambient temperature emissions,</del> emissions at idling speed, smoke opacity and correct functioning and regeneration of after-treatment systems;
Art. 5/3/(b) evaporative emissions and crankcase emissions;	(b) <del>evaporative emissions and</del> crankcase emissions;
The deleted elements are included in the Annex to Regulation (EC) No 715/2007, so they cannot be regulated by implementing acts.	

Art. 1/(10)	
Art. 14/2/(a) amend this Regulation for the purposes of revising downwards the particulate mass and particle number limit values set out in Table 2 to Annex I;	<del>Art. 14/2/(a) amend this Regulation for the purposes of revising downwards the particulate mass and particle number limit values set out in Table 2 to Annex I;</del>



Art. 14/3/(b) amending this Regulation in order to revise downwards the pollutant-specific final conformity factors set out in Table 2a to Annex I in light of technical progress by taking into account the technical uncertainties linked with the use of the Portable Emission Measurement Systems (PEMS).	<del>Art. 14/3/(b) amending this Regulation in order to revise downwards the pollutant-specific final conformity factors set out in Table 2a to Annex I in light of technical progress by taking into account the technical uncertainties linked with the use of the Portable Emission Measurement Systems (PEMS).</del>
The deleted elements are essential elements of Regulation (EC) No 715/2007, so they cannot be regulated by delegated acts.	

*The values and the manner of expressing the conformity factors in Table 2a*

RO supports the same values and manner of expressing the conformity factors as in the existing Regulation (EU) 2017/1151.

*Note (4) to Table 2a*

Note (4) to Table 2a should be read in connection with the amendments of Art. 10/4 and 5 of Regulation (EC) No 715/2007 (Art. 1/(7) of the Regulation).

According to RO opinion, the current text of the Regulation does not confer legal certainty regarding the application of the RDE provisions under the same conditions as in Regulation (EU) No 2017/1151.

Thus, the amendments of Art. 10/4 and 5 of Regulation (EC) No 715/2007 would require from the entry into force of the Regulation that all new types and all new vehicles meet all the requirements of Euro 6 norm, including the RDE requirements.

As Regulation (EC) No 715/2007 is a normative act of higher rank than Regulation (EU) 2017/1151, all the provisions of Regulation (EU) 2017/1151 which are not correlated with the provisions of the Regulation (EC) No 715/2007 as amended by this Regulation will become obsolete. This will affect:

- *the date of application of the temporary conformity factors for the new vehicles of categories N1 II and III, and N2* - Regulation (EC) No 715/2007 as amended does not provide such date; for this reason, note (4) to Table 2a should be maintained;

- *the derogation for the application of the RDE provisions for small volume manufacturer and for ultra-small-volume manufacturers* – those derogations provided in Regulation (EU) 2017/1151 can no longer be applied, because Regulation (EC) No 715/2007 does not provide the possibility of granting such derogations by a subsequent normative act.

Consequently, RO proposes the following changes of Table 2a, in relation to the last PRES proposal:

Table 2a  
Real Driving Emissions Conformity Factors

	Oxides of nitrogen (NO <sub>x</sub> )	Number of particles (PN)	Carbon monoxide (CO) <sup>(1)</sup>	Total hydrocarbons (THC)	Combined hydrocarbons and oxides of nitrogen (THC + NO <sub>x</sub> )
<i>CF<sub>pollutant-final</sub></i> <sup>(2)</sup>	<del>1,43</del> <b>1 + margin NO<sub>x</sub> with</b>	<del>1,5</del> <b>1 + margin PN with</b>			



	<i>margin</i> NOx = 0,43	<i>margin</i> PN = 0,5			
<i>CF pollutant-temp</i> <sup>(3)</sup>	2,1	<del>1,5</del> 1 + <i>margin</i> PN with <i>margin</i> PN = 0,5			

(1) CO emissions shall be measured and recorded for all RDE tests.

(2) *CF pollutant-final* is the conformity factor used to determine compliance with the Euro 6 emission limits by taking into account the ~~technical~~ **measurement** uncertainties linked with the use of the Portable Emission Measurement Systems (PEMS), ~~composed of 1 + margin of technical uncertainty.~~

(3) *CF pollutant-temp* is the temporary conformity factor that may be used upon request of the manufacturer as an alternative to *CF pollutant-final* during a period of 5 years and 4 months following the dates specified in Article 10(4) and (5).

### **Transitional provisions and derogations**

**1. In the case of new vehicles of category N1 II and III, and N2, for 4 years after the dates specified in Article 10(5) compliance with the Euro 6 emission limits for NOx during any valid RDE test in accordance with the second subparagraph of Article 4(1) shall not apply.**

**2. The RDE test shall not apply to emission type-approvals granted to ultra-small-volume manufacturers as defined in Article 2(32).**

**3. Until 5 years and 4 months following the dates specified in Article 10(4) and (5) the requirements regarding the RDE values shall not apply to emission type-approvals granted to small volume manufacturers. However, in the period between 3 years and 5 years and 4 months following the dates specified in Article 10(4) and between 4 years and 5 years 4 months following the dates specified in Article 10(5), small volume manufacturers shall monitor and report the RDE values of their vehicles.**

**4. For the application of points 2 and 3, the following definitions are applicable:**

**- ‘small volume manufacturer’ means a manufacturer whose worldwide annual production is less than 10 000 units for the year prior to the one for which the type approval is granted and:**

**(a) is not part of a group of connected manufacturers; or**

**(b) is part of a group of connected manufacturers whose worldwide annual production is less than 10 000 units for the year prior to the one for which the type approval is granted;**

**or**

**(c) is part of a group of connected manufacturers but operates its own production facilities and own design centre;**

**‘ultra-small-volume manufacturers’ means a small volume manufacturer which has registrations of less than 1.000 in the Union for the year prior to the one the type approval is granted.**

*Those provisions are taken from Regulation (EU) No 2017/1151:*

*- pt. 1 from. Art. 15/4/(a); former Note (4) to Table 2a*

*- pt. 2 from. Art. 3/11/(a)/last subparagraph*

*- pt. 3 from. Art. 15/7 (! It seems that there is a contradiction with Art. 15/4/(c): the requirements of Annex IIIA shall not apply to type approvals granted to small volume manufacturers.)*

*- pt. 4 from Art. 2/(32) and (32c)*



*Relation between Regulation (EC) No 715/2007 and Regulation (EU) 2017/1151*

For legal certainty, RO considers that the provisions taken from Regulation (EU) 2017/1151 in Regulation (EC) No 715/2007 should be deleted from Regulation (EU) 2017/1151.