## **NON PAPER**

## Towards comprehensive and efficient emission testing in the EU

The final result of the vote at the TCMV on the Commission Regulation introducing RDE limits for light duty vehicles raised criticism from the European Parliament as to the level of conformity factors. In order to address this criticism, and thus secure swift adoption of the RDE Regulation, the Commission believes that a commitment on a political package is needed. This political package includes the following elements:

- 1. Overhaul of the vehicle type-approval framework. The Commission has adopted, on 27 January, a proposal aiming at improving the independence of authorities and technical services (including through an audit system based on peer reviews), improving pre-market type-approval provisions, introducing post-market surveillance measures, combined with enhanced safeguard procedures and penalties at national and EU level, and strengthening the supervisory role of the Commission. This will allow both co-legislators to work on establishing a new, more efficient and reliable approval framework for motor vehicle products.
- 2. Swift activation of the annual review of the second RDE conformity factor. The draft RDE Regulation voted on 28 October by TCMV sets a CF = 2,1 for the 1<sup>st</sup> step and a CF = 1+ *error margin* for the 2<sup>nd</sup> step of implementation of the draft Regulation. The *error margin* represents the uncertainties associated with the measurement of NOx emissions during PEMS trips. The first conformity factor will be phased out at the latest in 2021. The second conformity factor will be subject to an annual review to take into consideration the technical improvements of the PEMS equipment (point 2.1.1. of Annex IIIa of Regulation (EC) 692/2008 as amended by the current draft).

The Commission is committed to making use of this revision clause already in 2017, and on an annual basis. The objectives of this revision clause are to reflect the scientific data on the functioning of PEMS collected on the basis of the monitoring phase and technical progress of the PEMS equipment and reduce the conformity factor, as soon as possible and at the latest by 2023, to 1, subject to a minimal error margin strictly reflecting only the proven technical uncertainties of the test procedure.

Support by Council and Parliament in this review process, with the above shared objective, would be crucial.

3. The Deß report has made a clear link between the draft RDE Regulation and the report on the reduction of pollutant emissions from road vehicles. The Commission's proposal foresees an empowerment for the Commission to adopt the RDE conformity factors through delegated acts. While the Commission continues to believe that this is the most appropriate way of addressing this issue, it will explore all possible options provided that the European Parliament has an appropriate role in the process. The Commission is, however, of the view that the ordinary legislative procedure, which was suggested as one way forward in the trilogue of 19 November, is not appropriate given the need for speed in the revision of these factors.

The Commission acknowledges the differences in the European Parliament's and the Council's positions on this issue. The Commission is committed to work closely with both institutions to reach a compromise without delay, but is conscious of the difficulty of resolving this particular issue independently of the other empowerments and in advance of the scheduled European Parliament vote on the draft RDE Regulation.

The Commission is, however, of the view that a clear indication by Council of the need for an empowerment for the Commission to set out the RDE conformity factors, with openness on the nature of the empowerment which will be part of the negotiations, and the readiness to continue these negotiations as quickly as possible, could contribute to a positive outcome with regard to the RDE regulation.