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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Regulations (EC) No 715/2007 and (EC) No 595/2009 as regards the
reduction of pollutant emissions from road vehicles**

(Text with EEA relevance)

{SWD(2014) 32 final}

{SWD(2014) 33 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The purpose of this proposal is to introduce a number of amendments to the Regulation (EC) 715/2007 and Regulation (EC) 595/2009 with respect to the reduction of pollutant emissions from road vehicles. The focus of this draft proposal is on those areas where market and regulatory failures hinder addressing the overarching challenges situated within the context of the EU's air quality and the Better Regulation Agenda.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The measures are balanced with respect to their environmental effect and burden for the industry. Cost-effectiveness of the measures is supported by accompanying Impact Assessment.

3. LEGAL ELEMENTS OF THE PROPOSAL

This proposal introduces a number of amendments to the Regulation (EC) 715/2007 and Regulation (EC) 595/2009 with respect to the reduction of pollutant emissions from road vehicles.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In order to reduce unnecessary burdens for vehicle manufacturers in case of type-approval of vehicle platforms that could potentially be covered by both light and heavy-duty vehicle legislation, the approval of certain heavy-duty vehicles in accordance with the requirements for light-duty vehicles with respect to their pollutant emissions should be possible without lowering the level of environmental protection within the Union.
- (2) Although emissions of methane are not known to have a direct harmful effect on human health, methane is a strong greenhouse gas. Therefore, in line with the Communication of the Commission on the application and future development of Community legislation concerning vehicle emissions from light-duty vehicles and access to repair and maintenance information (Euro 5 and 6)² and with Article 14(1) of Regulation (EC) 715/2007 of the European Parliament and of the Council³, the Commission should consider including methane emissions in the calculation of CO₂ emissions.
- (3) In order to facilitate the introduction of natural gas vehicles the current total hydrocarbons (THC) emission limit should be increased and the effect of methane emissions should be taken into account and expressed as a CO₂ equivalent for regulatory and consumer information purposes.

¹ OJ C , , p. .

² OJ C 182, 19.7.2008, p. 17.

³ Regulation (EC) 715/2007 of the European Parliament and of the Council of 20 June 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 (OJ L 171, 29.6.2007, p. 1).

- (4) Modern diesel vehicles emit high and increasing amounts of NO₂ as a share of the total NO_x emissions which were not anticipated when Regulation (EC) No 715/2007 was adopted. Most air quality problems in affected urban areas appear to be related to direct NO₂ emissions. Therefore, an appropriate emission limit should be introduced.
- (5) The current emission limits for CO and total hydrocarbons (THC) after a cold start at low temperature have been carried over from Euro 3 requirements set out in Directive 98/69/EC of the European Parliament and of the Council⁴, which appear to be outdated in the light of existing vehicle technology and air quality needs. In addition, air quality problems and results of vehicle emission measurements suggest the need to introduce an appropriate limit for NO_x/NO₂ emissions. Therefore, revised emission limits should be introduced pursuant to Article 14(5) of Regulation (EC) No 715/2007.
- (6) The emission limit set for NH₃ in Regulation (EC) No 595/2009 of the European Parliament and of the Council⁵ is a requirement designed to limit the slip of ammonia from NO_x after treatment technologies which use a urea reagent for the reduction of NO_x. The application of the NH₃ limit value should therefore only be applied to those technologies and not to positive ignition engines.
- (7) In order to achieve EU air quality objectives and to ensure a continuous effort to reduce vehicle emissions, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFUE) should be delegated to the Commission in respect of the detailed rules on the application of Regulation (EC) No 715/2007 to vehicles of categories M₁, M₂, N₁ and N₂ with a reference mass exceeding 2 610 kg but with a maximum vehicle mass not exceeding 5 000 kg, the specific procedures, tests and requirements for type approval, the requirements for the implementation of the prohibition on the use of defeat devices that reduce the effectiveness of emission control systems, the measures necessary for the implementation of the obligation of a manufacturer to provide unrestricted and standardised access to vehicle repair and maintenance information, the replacement of the information on the mass of CO₂ emissions in the certificate of conformity with information on total mass of CO₂ emissions equivalents, the increase or removal of the limit value of total hydrocarbons emissions for positive ignition vehicles, the amendment of Regulation (EC) No 715/2007 for the purposes of recalibrating the particulate mass based limit values and introducing particle number based limit values that would correlate broadly with the petrol and diesel mass limit values, the adoption of a revised measurement procedure for particulates and a particle number limit value, a limit value for emissions of NO₂ and limits for tailpipe emissions at cold temperatures for vehicles approved as complying with the Euro 6 emission limits. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

⁴ Directive 98/69/EC of the European Parliament and of the Council of 13 October 1998 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC (OJ L 350, 28.12.1998, p. 1).

⁵ Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1).

- (8) 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/EC⁶. It is therefore necessary to adapt to Article 290 TFEU the provisions in Regulation (EC) No 715/2007 which provide for the use of the regulatory procedure with scrutiny.
- (9) The adaptation to Article 290 TFEU of the provisions in Regulation (EC) No 715/2007 which provided for the use of the regulatory procedure with scrutiny carried out by this Regulation should not affect pending procedures in which the committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC before the entry into force of this Regulation.
- (10) In order to ensure uniform conditions for the implementation of Article 4(2) and (3) of Regulation (EU) No 715/2007, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷.
- (11) Regulation (EC) No 715/2007 and Regulation (EC) No 595/2009 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 715/2007 is amended as follows:

- (1) In Article 2, paragraph 2 is replaced by the following:

"2. After publication of the delegated acts adopted in accordance with the second subparagraph and at the manufacturer's request, this Regulation shall apply to vehicles of categories M₁, M₂, N₁ and N₂ as defined in Annex II to Directive 2007/46/EC of the European Parliament and of the Council* with a reference mass exceeding 2 610 kg but with a maximum vehicle mass not exceeding 5 000 kg.

The Commission shall be empowered to adopt delegated acts in accordance with Article 14a concerning the detailed rules on the application of this Regulation to vehicles of categories M₁, M₂, N₁ and N₂ as defined in Annex II to Directive 2007/46/EC with a reference mass exceeding 2 610 kg but with a maximum vehicle mass not exceeding 5 000 kg. The delegated acts shall ensure in particular that at chassis dynamometer tests the actual operational mass of the vehicle is appropriately considered for determining the equivalent inertia as well as other default power and load parameters.

* OJ L 263, 9.10.2007, p. 1."

⁶ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (2) Article 4(4) is replaced by the following:

"The Commission shall establish specific procedures and requirements for the implementation of paragraphs 2 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).".

- (3) In Article 5(3), the first sentence is replaced by the following:

"The Commission shall be empowered to adopt delegated acts in accordance with Article 14a in order to develop the specific procedures, tests and requirements for type-approval set out in this paragraph, as well as requirements for the implementation of paragraph 2.".

- (4) Article 8 is replaced by the following:

“Article 8

Delegated acts on access to vehicle repair and maintenance information

The Commission shall be empowered to adopt delegated acts in accordance with Article 14a in order to implement 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.".

- (5) Article 14 is amended as follows:

- (a) paragraphs 1, 2 and 3 are replaced by the following:

"1. Without lowering the level of environmental protection within the Union, the Commission shall be empowered to adopt delegated acts in accordance with Article 14a concerning:

- (a) the replacement of the information on the mass of CO₂ emissions in the certificate of conformity referred to in Article 18 of Directive 2007/46/EC with the information on total mass of CO₂ emissions equivalents, which shall be the sum of the mass of CO₂ emissions and methane emissions, expressed as equivalent mass of CO₂ emissions with regard to their greenhouse gas effects;
- (b) the increase or removal of the limit value of total hydrocarbons (THC) emissions for positive ignition vehicles.

2. After the completion of the UN/ECE Particulate Measurement Programme, conducted under the auspices of the World Forum for Harmonisation of Vehicle Regulations, and at the latest upon entry into force of Euro 6, the Commission shall be empowered to adopt delegated acts in accordance with Article 14a in order to adopt the following measures, without lowering the level of environmental protection within the Union:

- (a) amendment of this Regulation for the purposes of recalibrating the particulate mass based limit values set out in Annex I, and introducing particle number based limit values in that Annex so that they correlate broadly with the petrol and diesel mass limit values;

(b) adoption of a revised measurement procedure for particulates and a particle number limit value.

3. The Commission shall keep under review the procedures, tests and requirements referred to in Article 5(3) as well as the test cycles used to measure emissions. If the review finds that those procedures, tests, requirements and test cycles are no longer adequate or no longer reflect real world emissions, the Commission shall act in accordance with Article 5(3) in order to adapt them so as to adequately reflect the emissions generated by real driving on the road.”

(b) in paragraph 4, the following subparagraph is added:

"The Commission shall be empowered to adopt delegated acts in accordance with Article 14a to set out, in addition to the existing limit value for emissions of total NO_x, a limit value for emissions of NO₂ for vehicles approved as complying with the Euro 6 emission limits set out in table 2 of Annex I. The limit for emissions of NO₂ shall be set on the basis of an impact assessment, shall take into consideration the technical feasibility and shall reflect the air quality objectives set out in Directive (EC) No 2008/50 of the European Parliament and of the Council*.

* Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).“;

(c) paragraph 5 is replaced by the following:

"5. The Commission shall be empowered to adopt delegated acts in accordance with Article 14a to amend and supplement table 4 of Annex I in order to set out limits for tailpipe emissions at cold temperatures for vehicles approved as complying with the Euro 6 emission limits set out in table 2 of Annex I. The limits for emissions of NO_x and NO₂ shall be set on the basis of an impact assessment shall take into consideration the technical feasibility and shall reflect the air quality objectives set out in Directive (EC) No 2008/50 of the European Parliament and of the Council.“.

(6) The following Article 14a is inserted:

“Article 14a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in the second subparagraph of Article 2(2), Article 5(3), Article 8 and in Article 14(1) to (5) shall be conferred on the Commission for an indeterminate period of time from [...][*Publications Office, please insert the exact date of entry into force*].
3. The delegation of powers referred to in the second subparagraph of Article 2(2), Article 5(3), Article 8 and in Article 14(1) to (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall

put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to the second subparagraph of Article 2(2), Article 5(3), Article 8 and Article 14(1) to (5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.“.

(7) Article 15 is replaced by the following:

"Article 15

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
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.“.

Article 2

Regulation (EC) No 595/2009 is amended as follows:

(1) In Article 2, the second paragraph is replaced by the following:

"This Regulation shall not apply to vehicles for which the manufacturer has chosen to apply Regulation (EC) No 715/2007 in accordance with the first subparagraph of Article 2(2) of that Regulation."

(2) In Annex I, in the table "Euro VI Emission Limits", the row corresponding to the entry "WHTC (PI)" is replaced by the following:

"WHTC (PI)	4 000		160	500	460	-	10	(3)".
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Article 3

This Regulation shall not affect pending procedures under Article 5(3), Article 8 and Article 14(2) and (3) of Regulation (EC) No 715/2007 in which a committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC.

Article 4

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President