

## RESPUESTA DEL GOBIERNO

### (184) PREGUNTA ESCRITA CONGRESO

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7263

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### RESPUESTA:

Desde el mes de mayo de 2015 hasta el mes de octubre de 2016 se han celebrado 16 reuniones del Comité Técnico de Vehículos de Motor de la Comisión Europea (CE).

Se remiten como **anexo I** y **anexo II** (en inglés, idioma oficial de trabajo utilizado en el Comité Técnico) los dos informes oficiales realizados por la CE, de las mencionadas reuniones. En dichos informes se incorporan:

- a) Las fechas de las reuniones.
- b) El experto que, por parte del entonces Ministerio de Industria, Energía y Turismo, ha participado por parte de España.
- c) Los acuerdos adoptados y la posición de España.
- d) Los argumentos de la posición española.

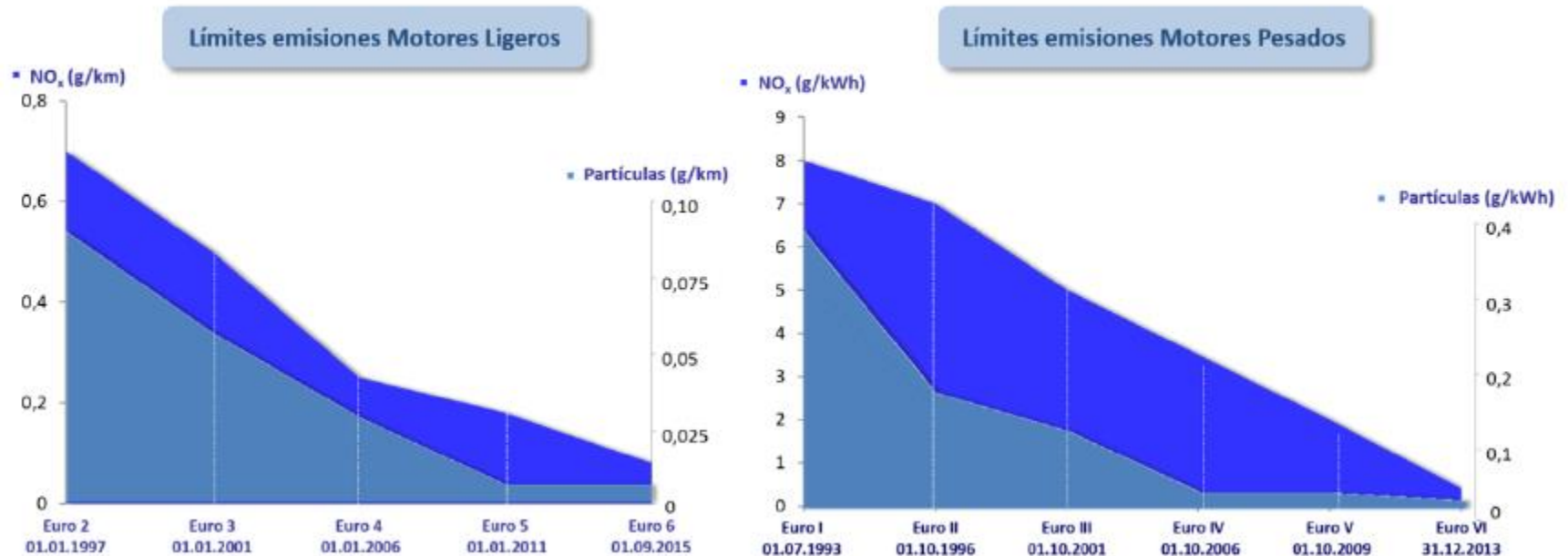
Por último, se acompaña, asimismo, la documentación técnica de base que ha servido al Gobierno y en concreto al Ministerio de Economía, Industria y Competitividad para fijar la posición española en los mencionados comités.

Madrid, 3 de febrero de 2017

Nota: Tan pronto se disponga del texto en castellano se remitirá a Su Señoría.

# Marco Regulatorio Emisiones Contaminantes

## Evolución Marco Reglamentario de Emisiones de NOx y Partículas en Vehículos

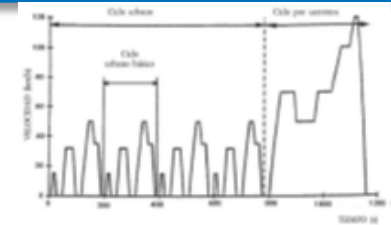


- Actualmente se encuentra en vigor la normativa EURO 6 que ha establecido límites estrictos para las emisiones contaminantes de los vehículos ligeros:
  - Gasolina: 60 mg/km de NOx – 0.0045 g/km partículas
  - Diésel: 80 mg/km de NOx (vs 180 mg/km Euro 5) – 0.0045 g/km partículas
- Las emisiones de óxidos de nitrógeno de los motores Diésel se han reducido en un 90% en los últimos 20 años.
- Los procesos de combustión optimizada y los filtros de partículas han disminuido las emisiones de partículas en un 99% desde 1990.

# Medición de Emisiones en Laboratorio y en Condiciones Reales

- Las emisiones de los vehículos se han venido certificando sobre la base de ensayos en laboratorios que siguen un ciclo estándar (NEDC) que ha venido sirviendo como referencia válida para el establecimiento de comparaciones y mejoras:
  - Ha permitido la repetitividad y la reproducibilidad de las mismas condiciones de ensayo, así como grandes reducciones de emisiones, pero, en la actualidad, no es representativo de las condiciones actuales de circulación.
  - Los resultados en términos de emisiones de NO<sub>x</sub> de un ensayo en laboratorio siguiendo un ciclo estándar (NEDC) no pueden ser equivalentes a los resultados obtenidos en un ensayo en condiciones reales de circulación. Esto significa que entran en juego numerosas variables que afectan a los resultados (temperaturas, altitud, velocidades, aceleraciones, gradiente de carretera, tiempos de parada...).

## Ciclo Europeo de Medición de Emisiones (NEDC)



El Ministerio de Industria ha apoyado la necesidad hacer evolucionar el marco regulatorio hacia ensayos que reflejen con mayor precisión la condiciones reales de operación de los vehículos, apoyando, en este sentido:

- El nuevo ciclo de laboratorio WLTP para la medición del consumo y emisiones de CO<sub>2</sub> (armonizado a nivel mundial).
- El nuevo Reglamento sobre Real Driving Emissions (RDE) para la medición de las emisiones contaminantes (NO<sub>x</sub> y Partículas), como complemento a los ensayos actuales y como marco único a nivel mundial.

# Reglamento sobre Real Driving Emissions (RDE)

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- En el desarrollo del Reglamento sobre Real Driving Emissions, el Ministerio de Industria ha mantenido su apoyo, girando su posicionamiento en torno a dos objetivos principales:

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## CONSECUCCIÓN DE LOS OBJETIVOS MEDIOAMBIENTALES

- Ensayos que reflejen con mayor precisión las condiciones de operación de los vehículos, garantizando el cumplimiento de los límites de emisiones y reduciendo el impacto sobre la calidad del aire.
- Búsqueda de un compromiso entre la partes que permita avanzar en el cumplimiento de los objetivos medioambientales con rapidez.

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## MANTENIMIENTO DE LA COMPETITIVIDAD DE LA INDUSTRIA DE AUTOMOCIÓN ESPAÑOLA

- Plazos de aplicación y límites de emisiones que permitan una adecuada planificación y diseño de los productos, reduciendo, en la medida de los posible, el impacto sobre su competitividad.

# Resultados acuerdo Reglamento sobre Real Driving Emissions (RDE)

- El texto aprobado el 28 de octubre en el marco de Comité Técnico de Vehículos a Motor, consagra un acuerdo entre las partes muy riguroso que avanza, sin duda, en la buena línea para la reducción de las emisiones contaminantes en los vehículos.
- El texto contó con el voto favorable de todos los Estados Miembros, salvo Holanda que voto negativo y República Checa que votó abstención.
- Características principales:
  - INTRODUCCIÓN EN DOS FASES:
    - Fase 1:
      - Fechas de aplicación: Septiembre de 2017 para los nuevos tipos y Septiembre de 2019 para las nuevas matriculaciones
      - Factor de conformidad: 2.1
    - Fase 2:
      - Fechas de aplicación: Enero de 2020 para los nuevos tipos y Enero de 2021 para las nuevas matriculaciones:
      - Factor de conformidad: 1 + 0.5 (precisión aparato de medida)

**La propuesta de texto aprobada en el marco del Comité Técnico de la Comisión establece un marco exigente en términos de plazos, condiciones de ensayos y límites, consagrando un acuerdo entre las partes riguroso que avanza, sin duda, en la buena línea**

- Es necesario tomar en consideración que esta marco se complementará antes de final de año con nuevos requerimientos para la medición dl número de partículas en condiciones reales de circulación.

# Consideraciones sobre el impacto en la industria de automoción española

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- El Reglamento se publicó en Abril de 2016, dejando un plazo de 16 meses para la aplicación de la primera fase (límite de emisiones de óxidos de nitrógeno en condiciones reales de circulación = 168 mg/km (factor de conformidad de 2.1)).
- En el año 2020 el límite de emisiones de óxidos de nitrógeno de 80 mg/km exigido actualmente para ensayos en laboratorio deberá cumplirse en condiciones reales de circulación. El texto aprobado, establece no obstante, una tolerancia asociada al dispositivo de medida (factor de conformidad final de 1 más una tolerancia de 0.5), pues la precisión de estos dispositivos está sujeta a determinados factores tales como altitud, temperatura ambiente, tolerancia de los sensores e instrumentos integrados en los equipos, calibración de los instrumentos, etc.).
- Las implicaciones tecnológicas para la adaptación a este nuevo marco son importantes. El coste asociado al cumplimiento con el nuevo marco RDE no se limita a la compra de un equipo de post-tratamiento sino que deben considerarse otros aspectos
  - Desarrollo con los proveedores para la adecuación de los componentes al diseño del vehículo.
  - Pruebas y evaluación de sistemas de control de emisiones en laboratorio.
  - Integración de los nuevos sistemas en vehículos prototipo y realización de ensayos en carretera.
  - Adecuación final de la carrocería y aseguramiento del cumplimiento del restos de actos reglamentarios (p.e. choque).
  - Cambios finales de diseño del vehículo antes del lanzamiento a producción.
  - Cambios en las líneas de producción para dar cabida a los nuevos componentes del vehículo y de formación para los empleados de producción.
  - Cambios en las bases de datos de reparación de vehículos e información de mantenimiento para permitir que los concesionarios y talleres de reparación independientes la reparación y mantenimiento de los mismos asegurando la disponibilidad de los recambios.

# Consideraciones sobre el impacto en la industria de automoción española

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- **España líder europeo en producción de vehículos Diésel:**
  - 55 % de la producción = 1,3 millones de turismos Diésel.
  - Más de 14.000 M € anuales de producción de turismos Diésel.
  - 31 modelos de 43 fabricantes en España con motores Diésel.
  - Primer fabricante de vehículos industriales: 7.400 M€ de facturación anual.
  - Europa es un mercado dieselizado. España lidera con un 65% de cuota.
- **España Fabrica motores Diésel para toda Europa, así como componentes asociados a este tipo de motorización:**
  - 1,2 Millones de motores diésel fabricados en España, principalmente Renault (1,15 millón), pero también Nissan.
  - Más de 2.000 M € de valor de la producción en motores diésel.
  - Cerca de 2.500 personas empleadas en la fabricación de motores diésel de baja emisión y elevada eficiencia energética.
  - Generación de empleo joven y de calidad – Elevada cualificación
  - Envío motores Renault a más de 25 fábricas de varias marcas.
- **Presencia en España de Investigación y Desarrollo de tecnología Diésel :**
  - Centro Técnico de Nissan (Barcelona) – 330 trabajadores (en su mayoría ingenieros), 20.000 m<sup>2</sup> – Desarrollo integral del Nissan Pulsar.
  - Referencia mundial dentro de la Alianza Renault-Nissan para la puesta a punto de motores Diésel.
  - Ingeniería Renault: 312 ingenieros. Desarrollo final de motores diésel para cumplimiento de normas, adaptación a cada vehículo/país, etc
  - Tejido de proveedores de componentes muy importante.

# Consideraciones sobre el impacto en la industria de automoción española

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- **El nuevo marco sobre RDE tendrá impacto sobre el mercado a los vehículos Diésel, especialmente en los del segmento pequeño**
  - Estimación del coste de adaptación de los vehículos para cumplir con el nuevo marco RDE: 1.200 € - 2.600 €/vehículo
  - Los vehículos Diésel del segmento pequeño serán los más sensibles a este incremento de coste. Estos vehículos son, al mismo tiempo, los más eficientes en términos de consumo y emisiones de CO<sub>2</sub> (los fabricantes han realizado inversiones importantes en el downsizing de los motores).
  - Lo fabricantes asumen que parte de producto Diésel quedará desposicionado:
    - Estimación de un descarte natural del 5 % de los modelos Diésel en la Fase 1 del RDE
    - Estimación de un descarte natural del 25 % de los modelos Diésel en la Fase 2 del RDE
- **España produce 1,3 millones de vehículos Diésel y 1,2 millones de motores pequeños Diésel**
  - De esa producción de vehículos Diésel, el 66% está asociado a vehículos de segmentos pequeños sobre los que el impacto en precio será muy elevado.
  - El sobrecoste para la adaptación de estos vehículos del segmento pequeño se estima en un 16% sobre el precio final, dejándolo fuera de mercado y por tanto, poniendo en riesgo la continuidad de su producción.
  - El impacto sobre la fabricación de motores Diésel (1.2 millones sobre un total de 2 millones), será especialmente relevante, pues los motores Diésel fabricados en España están dirigidos también a vehículos del segmento pequeño.





**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 25 October 2016  
GROW/C4 – CM -

**DRAFT MINUTES OF THE  
61ST MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV)**

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**HELD IN BRUSSELS  
ON  
03 OCTOBER 2016**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat

**3. Approval of the draft minutes from the 60th meeting held on 15 September 2016;**

The minutes were approved.

**4. Final exchange of views on draft proposal for Commission Implementing Regulation (EU) No .../.. of XXX implementing Regulation (EU) 2016/XXX of the European Parliament and of the Council with regard to the administrative requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery;**

The Commission representative presented an update on the state of play on the legislative package on non-road mobile machinery. The Commission representative informed that the Regulation had been published in the official journal 16 September and that it would be applicable 20 days later; on 6 October. Since this Regulation needs to be applicable before voting on the implementing act, the vote that originally was scheduled for this meeting had to be postponed to the next TCMV meeting of 16 November. The Commission representative also informed that there will only be an English version of the text available at the time of the vote.

The Commission representative further informed that after receiving the comments from the Commission Legal Service, there will be a second revision of the text for the Member States to review. The Commission representative also informed that the Translation Service had agreed to have the translation ready in December, which will enable the text to be adopted before 1 January 2017, which is in line with the dates set out in the co-decision act.

The Commission representative further informed that a fourth version of the implementing act integrates the first batch of comments received during the after inter-service consultation and all comments received since 10th of June. The comments received from AT has been taken into account and the comments from Germany, which were received later, will be considered.

The Commission representative continued with informing that the fifth version of the implementing act has been uploaded in CIRCAB and presented the main improvements and changes that had been made. The Commission representative underlined that one main point that still is pending is the revision of the definitions. One substantial improvement that has been introduced concerns marking requirements, for which a table has been introduced in Appendix I in Annex 3 that makes it clear what information has to be provided.

As regards the next steps, the Commission representative informed that one of the most awaited aspects is the IMI, the database for the exchange of data and that the Commission services is already programming IMI in accordance with the requirements set out in the co-decision act. A meeting with Member State representatives will be organized on 7 December 2016 to present and explain the IT project.

The Commission representative continued with explaining that as regards the delegated acts there are no changes on the content, only the structure and the terminology have been improved. The Commission representative also informed that the definitions and the second batch of comments from the Commission Legal Service still are pending.

The Commission representative asked the Member States to review the text and send in their comments before 15 October.

The ES representative noted that there is already a meeting planned for the group on 7 December. The Commission representative replied that they will take this into consideration.

The AT representative thanked the Commission for taking their comments on board, but asked for a definition to be added on NCD-families and enquired whether "*and shall not disclose it to other parties*" on p.15 para 3 means that the Member States cannot send this additional information to the Commission either. The Commission representative repeated that the definitions are not finalized as discussions are ongoing with the Commission Legal Service and further informed that definitions that already are included in a delegated act do not need to be defined in other acts. Regarding the second question, which concerns confidentiality for the engine manufacturers, the Commission representative explained that this information should not be transferred to the Commission by default, it should only be submitted to the Commission upon request and with the approval by the manufacturer.

Lastly, the Commission representative asked to receive any further comments from the Member States as soon as possible.

**5. Exchange of views with respect to the preparation for the UNECE WP29 session of 14-18 November 2016: Information from the Commission on the position to be taken by the European Union in the relevant Committees of the United Nations Economic Commission for Europe** as regards new proposals and proposals for amendments to UN Regulations and UN Global Technical Regulations, respectively (**mega decision**);

The Commission representative presented the mega decision for the WP.29 session of 14-18 November 2016 in Geneva. The Commission representative explained that it concerns amendments of 20 UN Regulations and 2 UN GTRs (Global Technical Regulation), a proposal for 1 new UN Regulation on uniform provisions for the approval of Heavy-Duty Dual-Fuel Engine Retrofit Systems (HDDF-ERS), proposals for 2 new UN GTRs; Measurement procedure for 2/3-wheeled motor vehicles regarding Crankcase & evaporative emissions and On-Board Diagnostics (OBD) and a Proposal for a new Resolution (R.E.4) on common specification of light-source categories.

No comments were raised by the Member States representatives. The Commission representative asked the Member States to provide comments, if any, in written form.

**6. Adoption of the revised Rules of Procedure of the TCMV;**

The Commission representative asked for further observations on the proposed text. It was noted that IE will be represented by the representative from DK. The representatives from BU, DK, DK on behalf of IE, DE, EE, ES, FR, IT, CY, LV, LI, LU, HU, MT, NL, AT, PL, PT, RO, Slovakia, FI, SE, UK voted in favour of the proposal. It was noted that

the representatives from CZ, EL, HR, and SL were absent. The Chair concluded that the new Rules of Procedures were adopted.

## **7. Presentation and discussion on the Commission proposal for the third RDE legislative act;**

The Commission representative presented the proposal for the third RDE legislative act. Several Member State representatives thanked the Commission for the presentation and the work put into the proposal.

The AT representative expressed that AT is strictly against adding new entries in the Certificate of Conformity (CoC) and that it would not make sense to include the conformity factor. The AT representative explained that it might be possible to state these values in the test result sheets, but not in the CoC. He also stressed that today the CoC consists of one page for passenger cars, which must be enough. It would be a different situation if there were electronic CoCs. The Commission representative replied that it is a matter of increasing transparency. For example, it would be useful for the consumers to receive this information. Also, adding this specific information would not burden the document. The Commission representative further recalled that there had been an intense discussion in the Working Group and the TCMV on whether the emission results should be added to the CoC. The Commission representative lastly underlined that the role of the CoC is to communicate the data that is relevant for the consumers, the regulator and the registration authorities. This information must be made available and the most important information is the conformity factor.

The FR representative informed that they will come back with their comments in writing after further analysing the proposal. The BE representative asked if they understood correctly that there are no particular conditions for the outdoor temperature for the cold start and if there is a definition of hot start. The Commission representative noted that they need to carefully review the definition of hot start.

The DE representative informed that they had not yet been able to look into all the details, but they could support the CFO 1,5 particulate number and as regards the cold start they could support the zero-approach. The DE representative also stated that since RDE test should be conducted under realistic conditions, vehicles should be using fuels that are close to what is out on the market.

The Commission representative replied that the part concerning the fuel had been taken out of the current proposal, but these requirements will be discussed again in order to find an appropriate solution for the fourth RDE package.

The ES representative stated that they will come back with their comments in writing after analysing the proposal further. The ES representative also repeated their position expressed at the last TCMV meeting on the date of entry into force for particular matters. The ES representative found this to be a rushed introduction and proposed that it should be applicable for vehicles already in circulation in September 2019, instead of September 2018. In addition, the ES representative noted that the table that mentioned the conformity factors no longer was included in the document.

The Commission representative replied, as explained during the last meeting, that they did not consider it to be a rushed application since this had been clearly spelled out in the

Regulation that had been adopted in 2011. Consequently, there was no ambiguity on whether it would happen.

The UK representative could not give any detailed comments and informed that they did not yet have a consent cross-government position on the proposal but stated that the UK would want to see an agreement reached by the end of the year. The UK representative thanked the Commission for putting forward option zero, which they found to be the best approach for the inclusion of cold start, and underlined that it is important to include cold start in RDE. Regarding the date of application for PN-PEMS, the UK representative noted that it must be considered what the impacts might be and it must be ensured that no unintended consequences regarding the interactions for the introduction dates are created. Furthermore, the UK representative expressed that they are pleased that there are efforts made to try to find a solution for hybrids, plug in hybrids in particular. The UK representative also noted that there is a concern that a simple solution could potentially disadvantage these vehicles. The UK representative stated that if the conformity factors are to be published in the CoC, these manufacturers would want to demonstrate that they have cleaner vehicles and asked if there is any way to ensure there is a level playing field. The Commission representative replied that they wanted to include an intermediate solution to allow these vehicles to be type-approved, but that the intention is that they will immediately start working on a more complete solution. Lastly, the Commission representative further explained that there is no justification from a technical point of view to change the date of application.

The representative from NL informed that they would have to look into the document in further detail, but expressed their support for the solution for the cold start and the hybrid proposal. The NL representative also expressed their clear support for the application dates for PEMS-PN and explained that the industry in fact already had already been given three extra years in 2012 and that they have been aware of the fact that this would be introduced.

The DK representative expressed their support for RDE in general, but informed that she had not yet cleared the DK position in the parliament.

The ES representative further questioned the application dates and gave his point of view of the discussions that took place in 2011.

The RO representative informed that they had sent in their position in writing and will update it where necessary. The RO representative also asked, regarding the definition of small volume manufacturers, how it would be possible to assess what the annual production is, especially for manufacturers that do not have a position in the EU. The RO representative also noted that in the latest version of the text, the temporary conformity factor had been deleted and asked whether the Commission envisaged to only have one figure for the conformity factor. The Commission representative replied that worldwide production should be declared by manufacturer and that the absence of the temporary conformity means that 1,5 will be the immediately applicable value. In addition, there is a review clause, which means that this numbers might be reduced in the future.

The SE representative expressed their support for the Commission proposal in principle, but would need to scrutinize it further.

The Commission representative asked the Member States to let them know the views before 15 October.

The Commission representative continued with presenting what had been prepared on the guidance on AES, ABS and defeat devices. The Commission representative explained that the guidance had been prepared in order to add clarity and further harmonization. The Commission representative underlined that the current definitions should not be changed, but what information should be provided by the manufacturer in the extended documentation package could be improved. It should also be made more explicit that the type-approval authorities should use this extended valuation package in order to evaluate the proper use of AES. An extensive list have been produced, which introduces new items such as technical reasoning, hierarchy and how the manufacturer will control the emission to the lowest practical level. In addition, the clause about confidentiality has been slightly redrafted. For example, it had been added that this information should be transmitted to the Commission upon request.

The Commission representative continued with informing that they also have proposed a methodology, which had been developed in collaboration with the JRC. According to this draft methodology, emissions should be kept at the lowest possible level and the risk for catastrophic engine damage needs to be documented. In addition, if there is better technology available this should be used.

The Commission representative asked the Member States to review the guidance and asked to receive their first observations by 15 October. The Commission further explained that this had been put in the guidance document for now, and not in the third RDE package, as there are ongoing discussions with the Commission Legal Service on what is the best legal approach.

The DE representatives welcomed the guidance document and thanked the Commission for their work, but pointed out that the deadline set to 15 October is too short since they would need more time to make a full, comprehensive assessment of the document.

The Commission representative added that the guidance document would be a living document that can be updated in the future.

The FR representative explained that the type -approval authorities sometimes experience difficulties with receiving information on this from third party manufacturers because the manufacturers themselves sometimes cannot receive this information due to confidentiality reasons. The FR representative suggested that this should be looked into in order to ensure that there is harmonized application, which the The NL representative agreed with. The NL representative suggested that a framework should be put in place in the first document, and more complicated aspect should be dealt with afterwards.

The Commission representative thanked the Member States' representatives for the comments and suggested that it might be useful to have a more technical discussion under the TAAEG subgroup on market surveillance. The Commission representative lastly informed that they would like to have the work completed before the end of the year.



## 8. Presentation on correcting act to WLTP 1 legislation;

The Commission representative informed that there were three documents to consider; a document regarding the proposal for decoupling the WLTP date, a correcting act of the WLTP Regulation and a document that introduces a number of changes to the definition of road load test families.

The Commission representative began with introducing **the proposal for decoupling the WLTP date**, which had been discussed during the last meeting. The Commission representative explained that as the WLTP Regulation stands today, in principle all new vehicles will have to be re-type-approved under the RDE legislation, which was now the original intention. In order to correct this, a lengthy document was presented during the last meeting and editorial comments have been received from the Member States. The Commission representative continued with presenting the new, more elegant proposal that had been drafted by the Commission Legal Service and asked the Member States for their feedback.

The DE representative expressed that, after a first glance, they were positive towards the new proposal but needed more time to further look into the details. The DE representative also asked when it would be implemented. The Commission representative explained that they will have to discuss internally how these three elements will be structured, but underlined that they are aware that there is a relatively urgent need for these provisions to be transposed.

The UK representative found the proposal to be a clearer and simpler approach, but asked if it was possible to further clarify some aspects. The Commission explained that they were open to further fine-tuning of the wording.

The FR representative was also of the opinion that it was not all clear and stated that they needed more time to look into it. The FR representative also asked whether the documents would be subject to a public consultation. The Commission representative replied that according to their services, there will need to be a public consultation. It is however uncertain if this is required for the correcting elements, but it should be assumed that there will be a public consultation. Consequently, it is the most realistic that there will be a vote in TCMV in December.

Some Member States (DE, UK, IT) enquired whether a public consultation actually was compulsory since it is urgent to act quickly on this file, which also only is correcting errors.

The Commission representative replied that the criteria for public consultation are rather wide and strict. Without the public consultation, there could be a vote in November, but it is likely that a public consultation is required as the Commission Legal Service had informed that elements that in any way changes the substantial meaning of the text, and is not just correcting a typo or similar, will be subject to a public consultation.

The Commission representative asked the representatives to come back with their comments on 12 October at the latest.

The Commission representative continued by briefly presenting **the correction act** and informed that a document with a summary has been uploaded. In particular, a correction has been proposed that ensures that the new evaporative emission test procedure, which was voted in May 2016, will only be applicable as from December 2019 to new type-

approvals and new vehicles. Currently, as the WLTP Regulation stands, this will be applicable as soon as you get an approval under WLTP, which was a clear error and not the original intention.

The IT representative thanked the Commission for the proposal and basically agreed with it but raised two points regarding paras 6-7 concerning the codes.

The Commission representative asked the Member States to have a look at the table and if they have any concerns to come back to them.

The NL representative expressed the opinion that there needs to be clarity to make sure that the issue of the power is mentioned in the type-approval, otherwise it is going to be very difficult to exactly state which requirements are met by a particular vehicle. Furthermore, the representative from NL pointed out that it is not only the dates that should be mentioned in regard to the evaporative test, but also the type of vehicle. The Commission representative replied that, as they understood it, the political intention was that the evaporative emission test procedure is applicable to all new vehicles as from 1 September 2019 regardless of the vehicle category. Furthermore, with this assumption the table is correct.

Regarding the document that introduces a number of **changes to the definition of road load test families**,

The NL representative presented the document and informed that it concerned light commercial vehicles and multi stage vehicles which were implemented in WLTP. After discovering that there were inconsistencies in the document, discussions have been held and it was identified how it should be correctly implemented in the WLTP Regulation and the Framework Directive, which was presented for the Members of the TCMV. The main issues were found in Annex 1, Appendix 3 and the information document.

The Commission representative thanked the NL representative for the information.

The representative from UK asked for some clarification to further understand the text and the FR representative stated that this was a step in the right direction, but they would have to examine the last point.

## **9. Update on national investigations and recalls;**

The Commission representative asked all the Member States to reply to the set of questions the Commission sent regarding remedial measures carried out in the Member States, regardless of whether they issued any type-approvals for the concerned vehicles or carried out any actions. The Member States were asked to reply before 20 October.

The ES representative enquired, since they responded to similar questions two-three months ago, why the Commission is asking for this information. The Commission replied that the purpose is to get an updated overview of the situation since a lot has happened since the last set of questions was sent to the Member States. The Commission further informed, after receiving a question from the FR representative, that the second question concerns vehicles from the VW group and the third question concerns all vehicles, but only emissions.

The DK representative replied to the questions by stating that, as explained in previous TCMV meeting, 93 000 cars of the VW group are concerned by the recall in Denmark.



The Scandinavian importer send a letter to the car owners, if they do not respond they will receive another letter and if they still do not respond the car will not pass the periodic inspection later on. Up until today, almost 20 000 letters have been sent and about 10 000 vehicles have been updated. Lastly, the DK representative informed that Denmark has not issued any type-approvals. The Commission representative thanked the DK representative for the information.

The UK representative also made a brief statement on their new Government's position. In the UK, about 1,2 million vehicles are affected. Testing is carried out to ensure that the vehicles are brought back into conformity, which includes engine performance tests and noise tests. The testing goes further than the standard type-approval test. Additional testing has been introduced, both in laboratory and on tracks, and the UK will continue to hold regular meetings with the VW group. The UK representative further informed that there have been significant political change in UK, they have a new Secretary of Transport and it is already clear that they want to take a tuff line on these issues. Lastly, the UK representative informed that more details will be provided in the written response.

In reply to a question from the Commission representative regarding the durability aspect, the UK representative explained that both aspects have been carefully looked at and informed that they want to protect the consumers and are aware of the fact that certain consumers are worried that the fix might impair the durability.

## **10. AOB**

# ANNEX I

## ATTENDANCE LIST 61ST TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 15 SEPTEMBER 2016

### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh	SPF Mobilité et Transports
<b>BG</b>	Ms I. Atanasova	Ministry of Economy
<b>CZ</b>	Ms K. Klarova	Permanent Representation of Czech Republic
<b>DK</b>	Ms K. Asmussen	The Danish Environmental Protection Agency
<b>DE</b>	Mr M. Bänsch Mr H. Holdik Ms N. Sonnenberger  Mr M. Lange  Mr S. Paeslack	Federal Ministry of Transport and Digital Infrastructure Federal Ministry of Transport and Digital Infrastructure Fed. Ministry for the Environment, Nature Conservation, Building and Nuclear Safety  Fed. Ministry for the Environment, Nature Conservation, Building and Nuclear Safety Kraftfahrt-Bundesamt (KBA)-
<b>EE</b>	Mr J. Vahtra	Estonian Road Administration
<b>IE</b>		Absent represented by Denmark
<b>EL</b>		Absent
<b>ES</b>	Mr J. P. Laguna Gomez Ms A. Garcia Gonzalez	Ministerio de Industria, Energía y Turismo Permanent Representation of Spain
<b>FR</b>	Mr P. Castaing Mr P. Bazzucchi	UTAC ERAM Ministère de l'Environnement, de l'Énergie et de la Mer
<b>HR</b>		Absent
<b>IT</b>	Mr L. Rocco	Ministry of Infrastructure and Transport
<b>CY</b>	Mr P. Petrou	Permanent Representation of Cyprus
<b>LV</b>	Mr. A. Grislis	Directorate of Road Traffic Safety

<b>LT</b>	Mr. Justas Rašomavičius	Ministry of Transport and Communications
<b>LU</b>	Mr P. Philippe Mr C. Liesch	Ministère du Développement durable et des Infrastructures Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr K. Uhlik	KTI Institute for Transport Sciences
<b>MT</b>	Mr R. Vella	Permanent Representation of Malta
<b>NL</b>	Mr A. Rijnders Mr T. Stoffels	RDW (Vehicle Technology and Info Centre) RDW
<b>AT</b>	Mr F. Forsthuber Mr F. Wurst	Ministry for Transport, Innovation and Technology Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz Mr J. Kownacki	Transportation Technical Supervision Motor Transport Institute
<b>PT</b>	Mr L. Paulo	Instituto da Mobilidade e dos transportes
<b>RO</b>	Mr C. Uta	Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>	Mr S. Gajdos	Ministry of Transport, Construction and Regional Development
<b>FI</b>	Mr. K. Kuikka	Finnish Transport Safety Agency
<b>SE</b>	Mr P. Öhlund	Swedish Transport Agency
<b>UK</b>	Mr D. Kay	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration
<b>CANDIDATE COUNTRIES</b>		
<b>SERBIA</b>	Ms S. Cvijović	Road Traffic Safety Agency
<b>COMMISSION</b>		
<b>DG GROW/C/4</b>	Ms J. Szychowska – Chair Ms P. Dilara Ms M. Teles Romao	

**DG ENV**

Mr P. Troppmann  
Mr K. Steininger  
Mr Z. Kregar

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-GENERAL

Sustainable growth and EU 2020

**Sustainable mobility and automotive industry TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

**MINUTES  
46TH TCMV MEETING**

Brussels, 5 May 2015

ENTR/G3 – CM -

**MINUTES OF THE  
46TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

**\*\*\*\*\***

**HELD IN BRUSSELS  
ON  
24 MARCH 2015**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 45th meeting held on the 26 January 2015;**

The minutes were approved.

**4. Draft proposal submitted for final examination and delivery of opinion on a Commission Implementing Decision authorising Germany to grant EC type-approval of a L3e category vehicle type fitted with an emergency stop signal;**

The **Commission services'** representative provided a brief overview of the draft proposal. He also explained that, as the inter-service consultation procedure was not yet finalised, a vote would not take place in the session, but will follow the written procedure instead, to be launched in due course. The representative of **Germany** presented the background and also provided a short movie showing the technology that it seeks to approve on the L3e category vehicle. All other relevant documents and reports had already been provided on the restricted section of CIRCABC. No specific comments or remarks were noted and the proposal seemed to be broadly supported.

**5. State of play on the introduction of WLTP in EU legislation;**

The Commission representative informed the Member State experts that the work is ongoing. There are two lines of actions: integration into the type approval legislation, which is managed by DG GROW and the correlation of CO2 emissions values measured on the (current) NEDC and the (future) WLPT managed by DG CLIMA. The latter work is necessary to define the CO2 emission targets, which have been agreed on the basis of the NEDC, once the WLTP is introduced. Even if the two processes are formally independent it is clear that they are strongly linked politically, i.e. an integration of the WLTP into the type approval legislation probably will only be possible once the rules for the correlation of CO2 emission values are defined. A comprehensive legal proposal can be expected for the 2<sup>nd</sup> half of 2015.

**6. State of play of the global package on WLTP;**

The Commission representative informed Member States about the ongoing WLTP work at UNECE:

- WLTP GTR phase 1b text is being developed, to be adopted by GRPE in January 2016
- WLTP GTR phase 2 tasks are being discussed among contracting parties. The respective table was introduced and distributed for comments by Member States until 10 April (none received)
- After the WLTP has been integrated into EU legislation, a corresponding UNECE Regulation under the 1958 agreement shall also be provided. There is some consensus that this should be a new Regulation and not an extension/update of the existing UNECE Regulation 83. Japan (and maybe others like India) wants to become a contracting party of this Regulation, while still keeping its own national requirements and not aligning them with the EU. This creates some particular challenges for the structure of the new Regulation, which are discussed in a note distributed and discussed with Member States.

**7. Draft proposal submitted for final examination and delivery of opinion for introducing Real Driving Emission (RDE) test procedures into Euro 5/6 Regulation 692/2008/EC;**

An initial round table for an informal assessment of the views of Member States showed insufficient support for a qualified majority. Very shortly before the TCMV Germany had submitted a slightly modified "compromise" proposal, which does not contain any target dates for introducing future NTE emission limits and strongly suggests the introduction of the latter in two steps via a recital. This proposal appeared to have a good chance for a qualified majority but due to the short notice some Member States and the Commission services could not take a final position. The chairman announced that a revised proposal of the Commission services, possibly taking the German modifications on-board, will be discussed at one of the next TCMVs and as soon as possible.

**8. Draft mandate for modification of voting majority in 1958 agreement;**

The **Commission services'** representative informed TCMV members on the state of play in the negotiations concerning the development of draft proposals for the revision of the 1958 Agreement. He recalled that the negotiating mandate the Council issued to the Commission in 2013 provides that the Commission has to inform TCMV on the development of these negotiations. He highlighted the need for coordinated action, both at UNECE and EU level, to proceed with the final stage leading towards the adoption of Revision 3 of the Agreement. He recalled that the main objectives of this revision exercise are to strengthen the mutual trust in the mutual recognition of type-approvals by enhancing and clarifying the provisions of the Agreement, and to make the Agreement more attractive so that more countries, in particular those with emerging automotive markets and industries, could be incited to join and apply the UN Regulations. Such a development would provide a benefit for EU automotive industry as the acceptance of ECE type-approvals would facilitate market access in these countries.

The discussions on making the 1958 Agreement more attractive are focussing now on the request Japan, Australia, Russia and Malaysia submitted to WP.29 in November 2014 for raising the majority voting threshold for the adoption of UN Regulations and amendments thereto from 2/3 to 4/5. In March 2015 the WP.29 Chair has urged the EU to take a position on this proposal for raising the 2/3 majority voting threshold, and expectations in WP.29 are that the EU should clarify its position at the June 2015 session.

In order to be able to respond in June 2015 to this WP.29 request, co-ordinated action at EU level is now required. According to the provisions of the Treaty, the Commission needs to obtain a mandate from the Council to take a position on behalf of the EU in the informal vote WP.29 will organise to verify whether unanimity of all Contracting Parties to the current 1958 Agreement can be achieved which is a pre-condition for launching the formal procedure for amending the 1958 Agreement.

The assessment by the Commission services is that the request to raise the 2/3 majority voting threshold should be accepted to provide a clear signal to interested emerging countries that they will be granted a fair share in the decision process when they join the 1958 Agreement. The Commission services will therefore prepare a Commission Recommendation for a Council Decision to obtain a mandate to vote in favour of the "frozen" proposals for Revision 3 of the 1958 Agreement including the increased 4/5 majority voting threshold. This proposal, once adopted by the Commission, will be



presented and discussed in the Council working party on technical harmonisation, with a view to have a co-ordinated EU position for the June 2015 session of WP.29.

The representative of the **United Kingdom** expressed general support for the revision exercise in view of its aim to improve the competitiveness of the EU industry. He considered the issue of raising the majority voting threshold politically important and that the economic impacts have to be assessed before a position can be established. He questioned the need for urgency and considered it more appropriate to target for the WP.29 session in November 2015.

The **Chair** clarified that the timing has been imposed by the developments within WP.29, due to the fact that non-EU Contracting Parties have tabled the request for raising the 2/3 majority voting threshold and that the EU has been requested by WP.29 to take a position in June 2015.

The representative of the **United Kingdom** also asked for the commitment by interested countries about joining the 1958 Agreement. If no new countries would join, the accepting of an increase of the majority voting threshold could be perceived as the EU giving up the advantage of its current influential position for no reasons. He also asked for clarification on the concern raised by Australia about recent proposals for changing the wording of article 3 in relation to the principle of mutual recognition.

The representative of **Bulgaria** shared the comments made the UK and voiced her concern about the impact the increased majority voting threshold may have on the decision process, in view of the interrelation between UNECE and the EU type-approval framework.

The representative of **Germany** shared the comments made the UK and indicated that Germany has not a position established yet.

The representative of **Spain** highlighted the importance of the statements made by Brazil and Ecuador at the WP.29 session in March 2015, concerning their intentions to join the 1958 Agreement. Spain has not finalised its position yet.

The representative of **Austria** indicated that no final position has been taken yet. He expressed his personal concern about the risk that the increased majority voting threshold may entail in case some Contracting Parties could establish a blocking minority, which could be to the detriment of further progress in raising safety levels. He referred in this context to the possibility of Contracting Parties to participate in the vote without being bound to apply the UN Regulations concerned.

The representative of **Sweden** expressed a preliminary positive opinion for raising the majority voting threshold, but the final position will be taken on the basis of the Commission proposal for the Council mandate.

The representative of **the Netherlands** stated that no position has been taken yet, and that political and economic consequences need to be assessed. While being positive about the development of the proposal for the revision of the Agreement, time is needed to evaluate the consequences and therefore the November WP.29 should be targeted.

The representative of **Italy** underlined the importance of an impact assessment as well as the need to take into account the conclusions of the Competitiveness Council on the CARS2020 Action Plan.

The representative of **France** stated to be generally positive, but would need the results from the impact assessment.

The representative of **Luxembourg** also considered it necessary to have the results of the impact assessment and considered that for the purpose of perennity WP.29 should continue to take decisions on the basis of consensus. Even with an increased majority voting threshold there could be a risk if not all Contracting Parties would agree with the decisions taken. WP.29 should continue to strive for total harmonisation by obtaining the agreement of all Contracting Parties.

The representative of **Romania**, whilst sharing the views of the other representatives, asked for clarification on the possible legal impact the revision of the Agreement may have with regard to UN Regulations to which some Member states have acceded but the EU not.

The **Commission services'** representative thanked the delegations for their comments and provided the following elements of clarification. The issue of raising the 2/3 majority voting threshold to 4/5 should be assessed in the light of other proposals for making the 1958 Agreement more attractive. It should be noted that one of these proposals was to provide Contracting Parties the possibility to vote by delegation (proxy voting). However this request was not retained as it was considered no longer necessary in case the majority voting threshold would be increased. As for the impact assessment being undertaken by the Commission services, he clarified that the main objective is to assess the benefits for the EU manufacturers that could result from emerging countries joining the 1958 Agreement. In reply to the request by the UK in relation to the draft wording of article 3 on mutual recognition, he clarified that Australia has indicated that it can accept the original wording for article 3 in the "frozen" proposal for Revision 3 of the 1958 Agreement and that on the basis of this indication the Commission services are confident that this issue can be resolved quickly and satisfactorily.

The **Chair** concluded the exchange of views by inviting delegations to liaise with their capitals and all interested ministries with a view to prepare themselves for the discussions on the Commission proposal in the Council working party. The Commission services will proceed with drafting the Commission Recommendation for a Council mandate with a view to present this to the Council working party as soon as possible. As the availability of the impact assessment results is a pre-condition for most Member States the Commission services will make them available as soon as the study work has been finalised. He underlined again the need to avoid a negative perception that may be created in WP.29 if the EU would not be ready for establishing its position by June 2015. Therefore it cannot be excluded that this important issue will be put on the agenda again for the next TCMV meetings.

#### **9. Exchange of views on sound level requirements of audible warning devices laid down in UN Regulation No 28 – Presentation by FR;**

**The FR representative** in his capacity as Chairman of UNECE GRB (working group on vehicle noise) reported on a proposal for amendments to Regulation No. 28 regarding audible warning devices (horns) fitted to vehicles, document [ECE-TRANS-WP.29-GRB-2014-4e](#) . The issue he brought to the attention of the group was the acceptable noise band and in particular the lower boundary that was proposed to be lowered from 93 to 87 dBA. There were some noise experts that had expressed a concern with the adoption of that document in GRB and he wanted to verify with the TCMV experts if they could accept the proposal as it stands.

**The DE and IT representatives** expressed their support for the proposal.

**The Chairman** concluded that the group supported the adoption of the proposal by GRB and noted that this would be one of the proposals included in the mega decision for the June 15 session.

# ANNEX I

## ATTENDANCE LIST 46TH TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 26 JANUARY 2015

### MEMBER STATES

<b>BE</b>	Mr M. Loccufier Mr O. Brahy Ms A. Wayenbergh	SPF Mobilité et Transports Environment Belgium SPF Mobilité et Transport
<b>BG</b>	Ms I. Atanasova	Ministry of Economy
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
<b>DK</b>	Mr. C. Lange Fogh	Danish Ministry of the Environment
<b>DE</b>	Mr S. Redman Mr O. Eberhardt Mr M. Bänsch Mr S. Paeslack Mr A. Winderlich	Bundesministerium für Verkehr und digitale Infrastruktur Environment, Nature Conservation, Building and Nuclear Safety BMW KBA KBA
<b>EE</b>		Absent
<b>IE</b>		Absent (represented by UK)
<b>EL</b>		Absent
<b>ES</b>	Mr J.L. García García Mr J.P. Laguna Gomez Mr I. Ascasibar Zubizarreta	Ministerio de Industria, Energía y Turismo Ministerio de Industria, Energía y Turismo Permanent Representation
<b>FR</b>	Mr P. Bazzucchi Ms M. Molina Mr S. Ficheux	Min. Ecologie, Energie, Développement durable Min. Ecologie, Energie, Développement durable UTAC ERAM
<b>HR</b>		Absent represented by Germany
<b>IT</b>	Mr A. Erario	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>	Mr J. Puntaks	Road Traffic Safety Directorate

<b>LT</b>		Absent
<b>LU</b>	Mr R. Lamberty Mr C. Liesch	Société Nationale de Certification et d'Homologation Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr L. Bady	TÜV Rheinland-KTI
<b>MT</b>	Ms P. Agius	Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr A. Rijnders Mr H. Baarbé	RDW (Vehicle Technology and Info Centre) Ministry of Infrastructure and the Environment
<b>AT</b>	Mr F. Wurst	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Vehicle Homologation Department
<b>PT</b>		Absent
<b>RO</b>	Mr. C. Uta Ms C. Mui	Romanian Automotive Register Permanent Representation
<b>SI</b>		Absent
<b>SK</b>	Mr J. Krak	Permanent Representation
<b>FI</b>	Mr K. Kuikka	Transport Safety Agency
<b>SE</b>	Mr A. Gunneriusson Mr P. Öhlund	Swedish Transport Agency Swedish Transport Agency
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<b>TURKEY</b>		
	MR F. KARAGÖZ MR M. TAN	Ministry of Science, Industry and Technology Ministry of Science, Industry and Technology
<b>COMMISSION</b>		
<b>DG GROW/G/3</b>	Mr C. Pettinelli : Chair Mr P. Jean Mr J. Renders	

**DG ENV/C/3**

Mr M. Szymanski  
Mr L. Escobar  
Mr K. Steininger  
Ms M. Teles Romao  
Mr G. Gielen  
Mr P. Broertjes  
Mr L. Escobar  
Mr Z. Kregar  
Mr J. Cortvriend  
Mr S. Brockett

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chain

**Automotive & Mobility Industries**

**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 10 June 2015

ENTR/C4 – CM -

**MINUTES**  
**47TH TCMV MEETING**

**MINUTES OF THE  
47TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

\*\*\*\*\*

**HELD IN BRUSSELS  
ON  
19 MAY 2015**



**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 46th meeting held on the 24 March 2015;**

The minutes were approved.

**4. Information from the Commission services on the upcoming work on the type-approval legislation following the adoption of the amendment to Directive 96/53/EEC on the maximum authorized dimensions and the maximum authorized weights in international traffic;**

**The EC representative** presented the note available on CIRCABC on the upcoming work on the type-approval of vehicles regarding masses and dimension following the recent adoption by the legislator of an amendment to Directive 96/53/EEC on the maximum authorized dimensions and the maximum authorized weights in international traffic in order to foster safer and greener vehicle. He informed TCMV that a special MVWG working group would be set up. The working group will focus first on the approval of aerodynamic flaps fitted at the rear of the vehicles. The working group will meet for the first time on 2 July 2015 and delegates interested by this work were invited to send an email to our functional mailbox: GROW-C4-MEETINGS@ec.europa.eu.

**5. Information from the Commission on the position to be taken by the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos. 14, 17, 28, 29, 41, 49, 51, 54, 59, 80, 83, 95, 97, 100, 101, 107, 109, 116, 117, 134 and 135, on a new UN Regulation on electric vehicles of category L and on amendments to the Consolidated Resolution on the Construction of Vehicles (R.E.3);**

**The Chairman** introduced the subject and pointed out that a first draft document had already been presented in the Council Working Group on 12 May 15. Nevertheless the EC would summarise the issues in this meeting and indicate the follow-up of the comments by Member States in the Council.

**The EC representative** presented the draft mega decision and referred to 4 issues for the representatives to note. The supplement with respect to UN Regulation No 9 (noise of three-wheeled vehicles, doc 2015/59) and the supplement to UN Regulation No 63 could not be voted on as the EU has not acceded to both Regulations yet. A new UN Regulation on electric safety for L-category vehicles (mopeds, motorcycles, tricycles and quadricycles) was ready for vote and deemed as non-controversial. Consequently he recommended maintaining the doc reference 2015/69 in the Annex to the mega decision.

**The EC representative** referred to 3 pending documents on the WP29 agenda. Member States had agreed in the Council meeting to vote positively on pending document 2014/77 regarding a supplement to UN Regulation No 107. He continued by referring to the statement from the GRSG Chairman that pending documents 2015/36 on UN Regulation No 96 and 2015/37 on Regulation No 116, both on

vehicle alarm systems would be withdrawn from the agenda of the June 15 session of WP29 and would be resubmitted for the November 15 session of WP29. Consequently both document references were deleted from the Annex of the mega decision. He then referred to doc 2015/35 on the Consolidated Resolution on vehicle construction R.E.3 that had already been endorsed in the March 15 session of WP29 but that had not been included in the mega decision. In order to document the agreement of Member States with this action the document reference had been incorporated in the annex of the mega decision.

**The EC representative** presented the next milestones in the adoption process of the mega decision. On 03 Jun 15 EC adoption is anticipated and subsequently the Council secretariat will start the written proceeding to adopt the decision by the Council working group. Coreper adoption is planned to take place on 17 Jun 15, followed by Council adoption on 19 Jun 15. The WP29 meeting will take place from 22 – 26 Jun 15.

#### **6. Draft proposal submitted for final examination and delivery of opinion for introducing Real Driving Emission (RDE) test procedures into Euro 5/6 Regulation 692/2008/EC;**

##### Background information

At the moment, for regulatory purposes emissions of light duty vehicles are measured on a laboratory test cycle (NEDC) only. "RDE testing" means measuring emissions with portable measurement systems (PEMS) while driving the vehicle on the road and should determine the real, average emissions of a vehicle on the road taking into account all possible driving situations according to their statistical occurrence. The purpose of RDE legislation is to apply the regulatory emission limits also to RDE tests and to ensure thereby a better emission performance of vehicles, in particular for NOx.

Ambient NO<sub>2</sub> concentrations set by existing air quality legislation are systematically and massively exceeded, mainly in urban areas. As a consequence 22 Member States face infringement procedures by the Commission as well as law suits of their own citizens affected by high ambient NO<sub>x</sub> concentrations (e.g. asthmatics). NO<sub>x</sub> emissions of diesel vehicles are identified as the main culprits and RDE testing should address this situation. NO<sub>x</sub> emissions of diesel vehicles typically exceed the legal emission limits under real driving conditions by a factor of 5 or more.

The Euro 5/6 co-decision Regulation (EC) 715/2007 defines regulatory emission limits (such as NO<sub>x</sub> emission limits for diesel cars) under "normal conditions of use", i.e. not only in relation to a test cycle. It empowers the Commission to define specific test procedures in Comitology (without any limitations to laboratory test cycles) for achieving these objectives. In addition it requires the Commission specifically to monitor the real world emissions of Euro 5/6 vehicles and to revise the test procedures if necessary (what is being done with the current RDE proposal).

It is the politically intention of the Commission services to adopt the RDE legislation in 4 legislative packages:

- 1) Vote on of the RDE test procedure for gaseous pollutants by TCMV in May/June 2015, "1<sup>st</sup> RDE package"

- 2) Adoption of quantitative RDE requirements for gaseous pollutants, i.e. not-to-exceed (NTE) emission limits, by TCMV in second semester 2015, "2<sup>nd</sup> RDE package"
- 3) Adoption of RDE test procedure and quantitative requirements for particle number (PN) emissions by TCMV, early 2016, "3<sup>rd</sup> RDE package" (see remark in the "technical background" section below).
- 4) Adoption of in-service-conformity requirements for RDE testing by TCMV, end 2016, "4<sup>th</sup> RDE package"

This first legislative package 1) has been discussed at all TCMV meetings since July 2014. The issue is politically highly sensitive since it has to square the legally correct implementation of emissions limits under normal conditions of use specified by Euro 5/6 Regulation (EC) 715/2007 and serious air quality concerns related to high NO<sub>2</sub> concentrations on the one hand and burden for vehicle manufacturers on the other hand. By the end of 2014 a compromise for the definition of the RDE test procedure (i.e. the actual substance of the proposal) had been found. The discussion since then focused on the indication of future intentions of the Commission for the legislative package 2), in particular in relation to the definition of not-to-exceed (NTE) emission limits, even these issues had no direct impact on the effects of the first legislative package 1) itself. At the last TCMV on 24 March 2014 the Commission proposal was not supported by a sufficient number of Member States. DE had provided two amendments to this proposal, which specify that the future NTE emission limits should be introduced in two steps and remove any reference to concrete dates for the first step of these NTE emission limits. However, due to the short notice it was not possible to check and find a qualified majority for the Commission proposal with the DE amendments in March.

#### Discussions at TCMV:

Several Member States (BE, DE, FR, IT, ES, NL) welcomed explicitly the revised proposal of the Commission, which has essentially taken on board two comments from DE already discussed at the last TCMV of 24 March. Member States also welcomed the proposals of IT and NL suggesting two minor changes of the wording of the Commission proposal for section 2.3 and Appendix 9 to Annex IIIa of the amended Euro 5/6 Regulation (EC) 692/2008. After a short internal consultation with DG ENV representatives the chairman explained that these modifications would be acceptable for the Commission services.

In the following discussion most Member States emphasised the need that the Commission presents as soon as possible a second proposal for RDE legislation defining in particular the complementary dynamical boundary conditions and the regulatory not-to-exceed (NTE) emission limits.

In advance of the meeting UK had presented a slightly amended text, which would in addition to the Commission proposal define the introduction of binding NTE emission limits for 1 September 2017 already in this first regulatory RDE package. On the request of the UK the chairman checked informally, whether this UK proposal could be supported by a qualified majority of Member States, which was not the case.

The following specific comments were made and are added to the minutes following the request of the respective Member States:

DE:

*"Germany explicitly thanked the Commission for providing the new compromise proposal covering the main reservations expressed by Member States at earlier TCMV meetings. Germany underlined the crucial need for an agreement on the first RDE package in order to avoid further delays and to ensure an adoption of the full set of RDE requirements asap. This is of particular importance for Member States to improve NO2 air quality situation but also for automotive industry to ensure sufficient lead times.*

*In this respect Germany requested the Commission services to provide a proposal for the second RDE package, which includes the binding quantitative RDE requirements (final and transitional NTE limits), their application dates and the additional dynamic boundary conditions, asap. Germany is looking forward to first proposals for the contents of this package in advance of next TCMV, July 1st, to facilitate a possible adoption in September 2015.*

*Germany welcomed the commitment of the Commission to include adequate additional dynamic boundary conditions in the second package. "*

ES:

*"1- Spain maintains the position already presented in writing in the last TCMV on 24th March 2015, as follows:*

*a- It is proposed to have this first legislative package adopted with all the dynamic boundary conditions included on it,*

*b- Any reference to application dates, in recital 5, to be deleted*

*c- Include in such recital the application of the Conformity Factors in two successive phases*

*d- In Annex IIIA, paragraph 2.3, delete the last sentence related to the possibility of refuting the RDE test,*

*e- In Annex IIIA, paragraph 5.2.6, the dates of application of the boundary conditions on temperature should be fixed according to those to be decided for the introduction of the two phases for the Conformity*

*Factors ,*

*f- In Annex IIIA, paragraph 6.7, the maximum speed limit should be fixed in 230 km/h, with a tolerance of +15 km/h.*

*2- Additionally to the above general statement, and taking into account the discussion in yesterday's meeting, it is considered that:*

*- The new formulation proposed by the Commission for recital 5 is welcomed,*

*- As an alternative to the point d above, the word "refuted" should be changed by "reassessed",*

*3- As a result of the discussion in the meeting, the Spanish delegation proposes that, due to the delay in the process of adoption of this legislative dossier, the Commission:*

*- Introduce the obligatory application date for the first phase of Conformity Factors, for new types of vehicles, not before two years after the publication of the complete RDE legislative package,*

*- Convene meetings with stakeholders as soon as possible, in order to present the, still not defined, dynamic boundary conditions in the next TCMV meeting foreseen on 1st July 2015."*

FR:

*"Following the vote of the first technical package, which, in the perspective of the monitoring period in 2016, was expected by most Member States, it seems necessary to start working as soon as possible on the second package.*

*This additional text must include in particular the following provisions, which are necessary to make RDE a regulatory requirement :*

- Determination of conformity factors (primarily for NOx emissions),*
- Determination of the application dates (for new types and all types of vehicles),*
- Introduction of additional dynamic conditions resulting from the experts group.*

*Given the ambition that RDE project must carry, with a desired application date for new types of vehicles on September 1st, 2017, it seems necessary that this additional package be presented in a fairly mature version at the July session of the TCMV and be adopted at the September session.*

*France stands available for any help in order to reach as soon as possible to a first version of this package."*

RO:

*"RO stated that its position could be flexible, depending on the result of the discussions concerning the following items:*

- a clear statement of the Commission that the completion of the boundary conditions will be taken into account in the frame of the second package together with the timetable and the CFs:*
- the modification of the pt. 2.3 of the Annex IIIA according to the Italian position (reassessed instead of refuted);*
- the modification of the pt. 6.7 of the Annex IIIA introducing the speed of 130 + 15 km/h instead of 145 + 15 km/h, because 130 km/h is the limit speed for the majority of the MS - modification sustained also for IT and ES.*

*After the COM proposals, RO stressed that it is necessary that the COM make a statement in a official document accepting that the completion of the boundary conditions will be part of the second package."*

UK:

*"The UK is disappointed that our amending proposal has not been accepted. The failure of successive Euro standards to deliver the expected emission reductions in*

*real world driving conditions is the main reason why 17 Member States, including the UK, are not meeting EU limit values for nitrogen dioxide. Rectifying this problem is a prerequisite for ensuring compliance with those limits. The UK wants to see this issue resolved as soon as possible and we would like to see a commitment from the Commission to bring forward a proposal setting both the implementation dates and not to exceed limits by July. We will continue to work with the Commission and Member States to secure agreement and application of the new rules as soon as possible."*

After this discussion the chairman indicated the following:

- The proposal for the second regulatory RDE package will include complementary dynamical boundary conditions, i.e. the latter will be applicable together with the binding NTE emission limits
- The Commission services will make all effort to prepare a proposal for the secondary RDE package addressing the quantitative NTE emission limits and associated application dates until end September 2015.
- Regardless of this explicit mention of regulatory dates in the current proposal as requested by UK, the Commission services will work on the basis of the Cars 2020 Communication, which is also referred to in recital (5) of the Commission proposal, for the development of the second regulatory RDE proposal defining NTE emission limits and respective application dates.

The chairman proceeded with a formal vote on the Commission proposal amended as follows (according to the IT/NL comments):

- (1) In section 2.3 of the new Annex IIIa of Regulation (EC) 692/2008 the term "*refuted*" will be changed into "*reassessed*".
- (2) In Appendix 9 to the new Annex IIIa of Regulation (EC) 692/2008 the text to be certified by the manufacturers changes to:

*"The vehicle types listed in the attachment to this Certificate comply with the requirements laid down in point 2.1 of Annex IIIA to Regulation (EC) No 692/2008 relating to real driving emissions for all possible RDE tests, which are in accordance to the requirements of this Annex."*

The amended proposal was voted in favour by all Member States present, except UK, CZ and HU, which were abstaining.

## **7. AOB**

The representative of Sweden asked to be informed on the state of play with regard to the Commission's intention to prepare proposals for the review of Framework Directive 2007/46/EC. The representative of the Commission services explained that the file has been blocked within the Commission for political reasons and that there are no indications available about the possible timing by which further progress could be expected.



# ANNEX I

## ATTENDANCE LIST 47TH TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 19 MAY 2015

### MEMBER STATES

<b>BE</b>	Mr O. Brahy Ms A. Wayenbergh	Environment Belgium SPF Mobilité et Transport
<b>BG</b>	Mr I. Slaveykov	Executive Agency Road Transport Administration
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
<b>DK</b>	Mr. Spang-Hannssen Ms K. Asmussen	Danish Transport Authority Danish Ministry of the Environment
<b>DE</b>	Mr S. Redman Mr O. Eberhardt Mr M. Bänsch Mr S. Paeslack	Bundesministerium für Verkehr und digitale Infrastruktur Environment, Nature Conservation, Building and Nuclear Safety BMW KBA
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>	Mr J. Kilroy	Road Safety Authority
<b>EL</b>		Absent
<b>ES</b>	Mr J.P. Laguna Gomez	Ministerio de Industria, Energía y Turismo
<b>FR</b>	Mr V. Panetier Ms M. Molina Mr P. Castaing	Min. Ecologie, Energie, Développement durable Min. Ecologie, Energie, Développement durable UTAC ERAM
<b>HR</b>	Mr T. Županić	State Office for Metrology
<b>IT</b>	Mr A. Erario	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>	Mr J. Puntaks	Road Traffic Safety Directorate
<b>LT</b>		Absent
<b>LU</b>	Mr R. Lamberty	Société Nationale de Certification et d'Homologation

	Mr C. Liesch	Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr L. Bady	TÜV Rheinland-KTI
<b>MT</b>	Ms P. Agius	Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr A. Rijnders Mr T. Guiting Mr H. Baarbé	RDW (Vehicle Technology and Info Centre) RDW Ministry of Infrastructure and the Environment
<b>AT</b>	Mr F. Wurst	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Vehicle Homologation Department
<b>PT</b>		Absent
<b>RO</b>	Mr. C. Uta	Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>	Mr S. Gajdos Mr J. Javorcik	Ministry of Transport of the Slovak Republic Ministry of Transport of the Slovak Republic
<b>FI</b>	Mr E. Asplund	Finnish Transport Safety Agency
<b>SE</b>	Mr A. Gunneriusson	Swedish Transport Agency
<b>UK</b>	Mr I. Yarnold Mr A. Burrows	Department for Transport Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	H. ROSENDAHL	Norwegian Public Roads Administration
<b>COMMISSION</b>		
<b>DG GROW/G/3</b>	Mr P. Jean - Chair Ms B. Bonvissuto Mr J. Renders Mr M. Szymanski Mr K. Steininger Ms M. Teles Romao Mr G. Gielen Mr A. Lagrange Ms P. Dilara	
<b>DG ENV/C/3</b>	Mr T. Verheye Mr Z. Kregar Mr J. Cortvriend Mr S. Brockett	



## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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Industrial Transformation and Advanced Value Chains

**Automotive & Mobility Industries**

**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

**MINUTES**  
**48TH TCMV MEETING**

Brussels, 15 September 2015

GROW/C4 – CM -

**MINUTES OF THE  
48TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

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**HELD IN BRUSSELS**

**ON**

**01 JULY 2015**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 47th meeting held on the 19 May 2015;**

The minutes were approved.

**4 Information by the Commission on the negotiations between EU and US;**

The Commission representative made a presentation on the state of play of the TTIP negotiations with the US in what regards the automotive sector, underlining that the talks were focusing on three main points: (1) equivalence of the regulatory approach; (2) harmonisation in specific areas; (3) Revision of the working methods of the UN 1998 Agreement on Global Technical Regulations; and (4) enhanced coordination in research agendas.

**The Commission representative** also presented the "Non-paper by the European Commission: draft response regarding the US proposal for a *“Vehicle Safety Harmonisation Process”*", requesting the Member States to convey any comments on the approach presented. No Member State provided comments to the document.

**The representative of Luxembourg** requested that the Commission would confirm that the negotiation would not have impact on the EU type-approval system. The Commission representative confirmed that US and the EU were only discussing equivalence and/or harmonisation of technical requirements and/or test procedures, and not conformity assessment procedures.

**5. Exchange of views on evaporative emission requirements for category L3e motorcycles with a maximum vehicle speed of less than 130 km/h and complying with the Euro 4 environmental step set out in Regulation (EU) No 168/2013;**

**The EC representative** explained the issue with respect to explanatory note 13 in Annex VI(C1) to Regulation (EU) No 168/2013. He pointed out that the concern was the inconsistency which this note created between the application timing set out in point 1.4.3 of Annex IV to Regulation (EU) No 168/2013, which assumes that all new L3e motorcycle types as of 01 Jan 2016 are to be made subject to the evaporative SHED test, as laid down in Appendix 3 of Annex V to Regulation (EU) No 134/2014 on environmental performance test procedures and requirements of L-category vehicles. At the same time the explanatory note exempts category L3e vehicles, compliant with the Euro 4 environmental step and with a max vehicle speed lower than or equal to 130 km/h from being subject to evaporative testing against the evaporative emission limit set-out in Annex VI(C1) to Regulation (EU) No 168/2013.

**The EC representative** stressed the importance of the decision with respect to the cost benefit analysis that had been made in the impact assessment back in 2009 as it was identified that low-speed motorcycles of category L3e present the biggest share of the fleet on the market and that it was therefore assumed that all L3e motorcycles would need to be tested and validated against the applicable Euro 4 SHED test limit. He referred to the EC proposal COM(2010) 542 final in which the inconsistency was already present and therefore initially the EC had taken the position that the footnote had been error and

should have been deleted. He also underlined the importance of the issue being clarified soon so as to provide planning security to vehicle manufacturers as there was only half a year left before the Euro 4 step becomes applicable. Hence, he requested the Member State representatives to express their views while taking into account these facts.

**The DE representative** expressed his support for the initial EC proposal to delete the explanatory note and to apply both the SHED test and associated limit to all L3e motorcycles.

**The ES representative** was in favour of aligning the timing table Annex IV with the test limit requirements set-out in Annex VI(C1) and to maintain explanatory note 13.

**The FR representative** explained that this inconsistency should be corrected in due course but he also was of the opinion that it was impossible for vehicle manufacturers to still change and validate the design of new types of motorcycles within half a year if the explanatory note would be deleted. He was in favour of taking 18 – 24 months lead-time from the vehicle manufacturers into account in order to bring the vehicles in conformity with such an amended requirement and urged the EC to put this into approval legislation.

**The DK representative** inquired why vehicle speed was chosen as a criterion for evaporative emission testing.

**The EC representative** explained that this was a rough method to separate lower priced motorcycles from high priced models as typically high end motorcycles have a higher max. vehicle speed.

**The NL representative** did not recall that the explanatory note had been discussed at length during the adoption process of Regulation (EU) No 168/2013 and was not against deletion of the explanatory note but agreed with his FR colleague that a fair and realistic time is needed to make low-end motorcycles with a vehicle speed lower than 130 km/h subject to the SHED test limit set out in Annex (C1).

**The EC representative** provided the legal analysis of the issue and stated that ideally in explanatory notes no legislative content should have been added. She reminded that explanatory notes should always be of declaratory nature.

Madam Chair concluded the exchange of views and she pointed out that despite the different views from the representatives it was important to finalise the discussions and to provide sufficient clarity to authorities and stakeholders with the shortest possible delay. She explained that the explanatory note is part of Codecision legislation and that correcting even such a small note in the heaviest amendment procedure would probably take so long that the change can only become effective in the timeframe that the Euro 5 step will apply. This step already foresees that all L3e motorcycles are subject to the SHED test and associated limit. She therefore concluded that the text should be maintained as published with respect to this issue.

## **6. Discussion of a regulatory text for defining NTE emission limits and adding complementary dynamic boundary conditions to the RDE test procedure**

The Commission representative gave a detailed overview on the state of play of the development of the second regulatory RDE package, defining complementary boundary conditions and NTE emission limits. In addition he lined out a possible strategy for

defining the two steps of NTE emission limits in this respect. The presentation is available on Circabc.

In the following discussion Member States, in particular DE, FR, UK, NL, SE and DK, expressed their support for the principle that the 2<sup>nd</sup> step of RDE NTE emission limits must be guided by a strict interpretation of existing Euro emission limits defined in the co-decision Regulation (EC) 715/2007 and taking into account an error analysis of the PEMS procedures. In particular, existing or claimed constraints from the performance of existing vehicles cannot be used as an argument to weaken up the quantitative requirements for this 2<sup>nd</sup> step. The Commission representative explained that currently an error analysis of the PEMS procedure is on the way, the results will be shared with the stakeholders as soon as possible.

The views of Member States on the suggested "technology approach" for defining the 1<sup>st</sup> step of NTE emission limits were more varied. While it was welcomed that the Commission tries to find a systematic way for defining these values, Member States raised some scepticism about the intended timeline of this approach. FR, DE and NL emphasised that a possible vote on RDE NTE emission limits still in 2015 is of utmost importance. With an optimistic view on the political process this means that the Commission has to make a solid (informal) proposal of concrete quantitative values for discussion at TCMV at latest by early October (taking into account the necessary administrative steps, such as inter-service consultation etc.).

In particular FR emphasised that the 1<sup>st</sup> step of NTE emission limits may therefore have to be defined "pragmatically", i.e. by politically choosing some intermediate value between the 2<sup>nd</sup> step NTE emission limit and the NTE emission limits observed today for "Euro 6 mainstream" vehicles. The Commission representative acknowledged these difficulties but said that the necessary analysis for the "technology approach" will still have to be started even though at the end probably some compromises will be necessary to meet the intended timeline. The Commission representative also said that a questionnaire for collection of data in this respect will be sent out to stakeholders within the coming days (which will also be made available to TCMV on Circabc).

## **7. AOB**

### **7.1 State of play World-harmonised Light-duty vehicle Test Protocol (WLTP)**

The Commission representative gave a detailed overview on the state of play of the development of the WLTP GTR phase 1b at UNECE level, its transposition into EU legislation and the work on correlating the CO<sub>2</sub> emissions measured on the (current) NEDC and (future) WLTP, which is necessary to ensure a comparable level of stringency when adopting the CO<sub>2</sub> fleet targets after the introduction of the WLTP. The presentation is available on Circabc. Unfortunately, due to the time constraints, a detailed discussion of the matter at TCMV was not possible anymore.

### **7.2 Exchange of views on point 1.4.2 regarding permeability test requirements and point 2.3.1. on obligatory fitting of automatic switching-on of lighting (AHO) of Annex IV to Regulation (EU) No 168/2013**

**The EC representative** introduced both related timing and application issues but pointed out that the point on AHO was more complicated compared to the permeability test timing issue. He explained that this latter requirement was not changed in substance when comparing current type-approval requirements set out in Directives 2002/24/EC and 97/24/EC compared to Regulation (EU) No 168/2013 and Regulation (EU) No 134/2014

for L-category vehicles equipped with a plastic fuel tank. Both the substantial requirements and test limits, besides some wording improvements in the new package, are the same and therefore this should not be a reason for an existing approval to become obsolete.

**The EC representative** continued with the presentation by stating that the AHO issue was more complex owing to the fact that technically many approved motorcycles already complied with the automatic switching-on of lighting but that this had not been an explicit part of type-approval before 01 July 2014, and was therefore often not documented in the form of an explicit entry in the information package, in a test report, on the type approval certificate or on the certificate of conformity, which is essential now that AHO became mandatory in July 2014 for new types in accordance with Directive 2009/67/EC amended by Directive 2013/60/EU and will be mandatory for all new vehicles placed on the market as of 01 January 2016. He stated that working document [4b2 2014 11 03 168 2013 Annex IV 2.3.1 AHO v1.pdf](#) had been provided in the MCWG meeting of 17 December 2014 which should serve as guidance table. In short there are 3 alternative solutions for vehicle categories L1e and L3e, which are requesting still in 2015: 1) an extension based on Directive 2009/67/EC taking amending Directive 2013/60/EU into account; 2) a UNECE approval in accordance with UN R53, R74 or R87; 3) an approval in accordance with Regulation (EU) No 168/2013 supplemented with Regulation (EU) No 3/2014. For all other categories of light vehicles alternatives 1) and 3) are available.

**The NL representative** agreed with the 3 presented solutions with respect to AHO and was of the opinion that these concerns could be resolved bilaterally among approval authorities and vehicle manufacturers.

**The AT representative** acknowledged the presented solutions to both issues but required additional time to review the presentation material. He stated that in this case the EC may not assume that silence means agreement. He was concerned that in the case of first registration of vehicles with respect to AHO it might not be possible for the registration authority to retrieve the information whether or not the vehicle had been approved with AHO if this was not firmly documented in type-approval.

**The DE representative** could accept the interpretation by the EC on permeability testing and could also support the 3 alternatives with respect to AHO.

**The UK representative** could in principle also agree with the proposed solutions but pointed out that although the permeability test procedure and limits were the same the test fuel was different, which was acknowledged by the EC representative.

**The FR representative** reiterated that France had already raised these possible concerns during the adoption process of Regulation (EU) No 168/2013 but nevertheless could agree accepting test reports as evidence that the requirements had been fulfilled in a satisfactory way.

**The ES representative** agreed with his FR colleague and confirmed that ES would look into the presentation and concerns in more detail. He stated that if deemed necessary ES would submit comments in writing.

**Madam Chair** concluded that the experts were agreeing that the permeability test requirements set-out in Regulation (EU) No 168/2013 supplemented with Regulation (EU) No 134/2014 were fulfilled if the same design plastic fuel tank had already been approved in accordance with the requirements set out in Directive 97/24/EC, Chapter 6, Annex I, point 2.1 in the existing approval. With respect to AHO she concluded that although the three presented alternatives might not be convenient to vehicle

manufacturers and might incur cost the requirements set out in Regulation (EU) No 168/2013 had to be respected by choosing one out of three, respectively two available alternatives.

# ANNEX I

## ATTENDANCE LIST 48<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 01 JULY 2015

### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh	SPF Mobilité et Transport
<b>BG</b>	Mr I. Slaveykov	Executive Agency Road Transport Administration
<b>CZ</b>		Absent
<b>DK</b>	Ms K. Asmussen	Danish Ministry of the Environment
<b>DE</b>	Mr S. Redman	Bundesministerium für Verkehr und digitale Infrastruktur
	Mr M. Bänsch	BMW
	Mr S. Paeslack	KBA
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>		Absent
<b>EL</b>		Absent
<b>ES</b>	Mr J.P. Laguna Gomez Mr J.L. Garcia Garcia	Ministerio de Industria, Energía y Turismo Ministerio de Industria, Energía y Turismo
<b>FR</b>	Mr P. Bazzucchi Ms E. Collot	Min. Ecologie, Energie, Développement durable UTAC ERAM
<b>HR</b>	Mr T. Županić	State Office for Metrology
<b>IT</b>	Mr L. Rocco	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>		Absent
<b>LT</b>		Absent
<b>LU</b>	Mr C. Hansen Mr C. Liesch	Ministère du Développement durable et des Infrastructures Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr L. Bady	TÜV Rheinland-KTI



<b>MT</b>	Ms P. Agius Mr M. Xuereb	Malta Competition and Consumer Affairs Authority Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr A. Rijnders Mr T. Stoffels	RDW (Vehicle Technology and Info Centre) RDW
<b>AT</b>	Mr F. Wurst	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Vehicle Homologation Department
<b>PT</b>		Absent
<b>RO</b>	Mr. C. Uta	Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>		Absent
<b>FI</b>		Absent
<b>SE</b>	Mr A. Gunneriusson	Swedish Transport Agency
<b>UK</b>	Mr A. Burrows	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr H. Rosendahl	Norwegian Public Roads Administration
<b>Candidate Countries</b>		
<b>TURKEY</b>	Mr F. Karagöz Mr M. Agikgöz	Ministry of Science, Industry and Technology Ministry of Science, Industry and Technology
<b>SERBIA</b>	Ms S. Cvijović	Road Traffic Safety Agency
<b>COMMISSION</b>		
<b>DG GROW/C/4</b>	Ms J. Szychowska – Chair Ms B. Bonvissuto Ms R. Repplinger Mr K. Steininger Ms A. SA Carvalho Mr G. Gielen	
<b>DG ENV/C/3</b>	Mr J. Cortvriend Mr Z. Kregar	

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains

**Automotive & Mobility Industries**

**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

**MINUTES  
49TH TCMV MEETING**

Brussels, 28 September 2015

GROW/C4 – CM -

**MINUTES OF THE  
49TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

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**HELD IN BRUSSELS  
ON  
10 SEPTEMBER 2015**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 48th meeting held on the 1 July 2015;**

The following comments were made by the Austrian delegate :

- The 4th Paragraph on page 5 starting 'The AT representative ...' should read : "He was concerned that in the case of **first registration** of vehicles ~~re-registration~~ with respect to AHO it might not be possible for the registration ...."

This comment concerns the first two sentences of the same paragraph:

- "I reviewed the presentation after the meeting. As a conclusion Austria supports the views of the Commission".

**4. Implementation of the 1998 Agreement: Discussion on the trilateral paper submitted by EU, US and Japan and next steps;**

The Commission representative recalled that the joint paper had been presented as an informal paper at last WP.29 session. She asked MS representatives to send comments, if any, to the Commission before forwarding them to the US. She indicated that the objective would be to transform the paper into a formal one for the next WP.29 session in November. She also indicated that, as next steps, a reflection should be launched on priorities for future GTRs and an analysis should be carried out of pending GTRs.

**5. RDE of LDV: further development of the legislation and definition of NTE emission limits" (update on the work and exchange of views/discussion);**

Two main issues in relation to the RDE legislation under development were discussed:

1. The Commission services presented an update on the state of play for defining NTE emission limits for the 1<sup>st</sup> and 2<sup>nd</sup> step of RDE legislation (document uploaded to Circabc). Member States acknowledged and most of them (explicitly DE, FR, UK, NL, SE, ES) strongly supported the position of the Commission services that the values for the two steps should be decided in a single legal act and that the values for the 2<sup>nd</sup> step should be based on a strict legal interpretation of the Euro 6 Regulation (EC) 715/2007.

IT said that it could also be envisaged to decide first on the 1<sup>st</sup> step of NTE emission limits and then, possibly in a 2<sup>nd</sup> legal act, fix the respective values for the 2<sup>nd</sup> step, but supported the Commission services position otherwise. RO claimed that the Euro 6 emission limits are defined by Regulation (EC) 715/2007 as applicable to a given test cycle (NEDC) and not in relation to real driving, a view which was strongly contested by the Commission representative.

2. The Commission services presented the concept of "transfer functions (TFs)" that could be integrated in RDE legislation (document uploaded to Circabc). In particular

the views of Member States on options a, b or c outlined in this document, was requested with the following feedback:

FR, DE, UK, NL, IT, SE, BE: highest priority is the adoption of the 2<sup>nd</sup> regulatory RDE package in 2015 (this timing constraint basically rules out option b).

NL, UK, BE, SE: explicitly support option a, also for reasons of substance.

ES: support for option b, but it must be worked out as soon as possible

CZ, RO: no finalised opinion, but "slight" preference for option b

HU: no finalised opinion yet, but tends to support option a.

As a consequence the Commission services will proceed with the development of a 2<sup>nd</sup> regulatory RDE package as agreed in the TCMV of 1 July. The development of TFs cannot delay the process. If industry wishes, TFs could however be further developed in the RDE data evaluation task force with a view to their possible inclusion in the in-service-conformity/surveillance testing, the rules of which will be defined in the 4<sup>th</sup> regulatory RDE package. The Commission services will insist that if TFs should be considered further as a possible regulatory concept they must be developed in an open and transparent manner.

## **6. Discussion on the Commission draft proposal for the amendments to Regulation (EU) 582/2011;**

The Commission services presented first draft of a proposal for the amendments to the Regulation (EU) 582/2011. The content of the proposal has been explicitly presented and explained. At the end of the presentation, the Commission services put under discussion two issues: inclusion of the PEMS PM procedure and additional provisions which would enable easier deployment of the paraffinic fuels.

NL: welcomed the proposal and the new provisions related to the testing procedure for the heavy-duty vehicles especially those addressing the issue of the power threshold and amended trip requirements. NL expressed the support for the PEMS PN approach and called for a further discussion on the provisions on paraffinic fuels.

FR: welcomed the proposal and stated that comments will be provided in a written form.

IT: welcomed the proposal, called for an adoption without delays and stated that comments will be provided in a written form

UK: welcomed the proposal and raised concerns about the cost effectiveness of the PEMS PM procedure.

SE: welcomed the proposal with a reservation on the provision of maximum engine coolant temperature before the start of the test, expressed the support for the introduction of the PEMS PN procedure and supported the provisions for the paraffinic fuels.

ES: welcomed the proposal and expressed the support for the PEMS PN procedure.

**7. Information from the Commission on the Heavy-Duty CO<sub>2</sub> Certification process;**

The Commission services provided an overview of the on-going work on the development of CO<sub>2</sub> certification procedure for heavy-duty vehicles. The Commission services outlined the leading principles of the approach, informed the Member States about the next steps and presented a tentative calendar.

RO: inquired about the type-approval procedures for the components.

UK: welcomed the work of the Commission and underlined its importance.

# ANNEX I

## ATTENDANCE LIST 49<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 10 SEPTEMBER 2015

### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh Mr O. Brahy	SPF Mobilité et Transport Environment Belgium
<b>BG</b>		Absent
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
<b>DK</b>		Absent
<b>DE</b>	Mr S. Redman Mr M. Bänsch Ms J. Wiechoczek	Bundesministerium für Verkehr und digitale Infrastruktur BMW German Permanent Representation
<b>EE</b>		Absent
<b>IE</b>		Absent
<b>EL</b>		Absent
<b>ES</b>	Mr J.P. Laguna Gomez Mr J.L. Garcia Garcia	Ministerio de Industria, Energía y Turismo Ministerio de Industria, Energía y Turismo
<b>FR</b>	Mr P. Bazzucchi Mr P. Castaing Mr C. Messier Ms M. Molina	Min. Ecologie, Energie, Développement durable UTAC ERAM Min. Ecologie, Energie, Développement durable Min. Ecologie, Energie, Développement durable
<b>HR</b>	Mr B. Gorup	State Office for Metrology
<b>IT</b>	Mr A. Erario	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>		Absent
<b>LT</b>		Absent
<b>LU</b>	Mr C. Hansen Mr R. Lamberty	Permanent Representation of Luxembourg Société Nationale de Certification et d'Homologation

<b>HU</b>	Mr L. Bády Mr K. Uhlak	TÜV Rheinland-KTI TÜV Rheinland KTI
<b>MT</b>	Ms P. Agius	Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr A. Rijnders	RDW (Vehicle Technology and Info Centre)
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Ms K. Mizgajska-Kępa	Transportation Technical Supervision
<b>PT</b>	Mr L. Paulo	Institute for Mobility and Transport
<b>RO</b>	Mr. C. Uta	Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>	Mr J. Krak	Permanent Representation of the Slovak Republic
<b>FI</b>	Mr K. Kuikke	Finnish Transport Safety Agency
<b>SE</b>	Mr P. Öhlund	Swedish Transport Agency
<b>UK</b>	Mr D. Kay Mr I. Yarnold	Department for Transport Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration

#### **Candidate Countries**

<b>SERBIA</b>	Ms S. Cvijović	Road Traffic Safety Agency
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#### **COMMISSION**

<b>DG GROW/C/4</b>	Ms J. Szychowska – Chair Ms B. Bonvissuto Ms P. Dilara Mr K. Steininger Ms M. Teles Romao Mr K. Steininger Mr M. Szymanski
<b>DG ENV/C/3</b>	Mr J. Cortvriend Mr Z. Kregar



## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains

**Automotive & Mobility Industries**

**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 01 December 2015

GROW/C4 – CM -

**MINUTES**  
**50TH TCMV MEETING**

**MINUTES OF THE  
50TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

**\*\*\*\*\***

**HELD IN BRUSSELS  
ON  
06 OCTOBER 2015**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 49th meeting held on the 10 September 2015;**

The minutes were approved.

**4. Exchange of views and request for information from Member States on the Volkswagen case;**

**The EC representative** explained the point and referred to the questions in the note sent to the Member States.

**The DE Representative** stated that DE will test Volkswagen vehicles with the concerned engines, other vehicle types of the Volkswagen group and also vehicle types from other manufacturers, aiming on the identification of manipulations and the use of prohibited defeat devices.

VW has confirmed the manipulation regarding the exhaust emissions and offered cooperation. VW was asked to provide information about an action plan and time schedule to KBA, in order to bring the concerned vehicles in compliance with the requirements of the regulation. Once KBA will receive the information, the decision on necessary actions will be made. DE welcomes the approach of the Commission regarding exchange of information, as there is an EU aspect.

Regulation 715/2007, art. 5(2) prohibits defeat devices and has exceptions, which also needs to be taken into account.

The tests have been going on for a week now, but testing, evaluation and drawing of conclusions need more time.

The affected vehicles are VW vehicles with Euro 5 diesel engines 1.2, 1.6, and 2.0 l (engine EA 189). They are no longer in production.

Euro 6 vehicles are in the focus for testing at the very beginning, because these vehicles are now in production. KBA described the developed test procedure that probably can identify manipulations and the use of prohibited defeat devices. The test design includes also the testing of vehicles on the roads, with PEMS.

DE will continue to provide information to the European Commission, the Member States and the type approval authorities.

**The EC representative** asked if the affected vehicles are still being sold in Germany and if yes, what will be done if the conclusions are that these vehicles are not in conformity with the legislation.

Agreed that the focus should be on Euro 6 vehicles.

Asked all MS whether the sale of the affected vehicles have been stopped.

**The DE representative** stated that the sales of Euro 5 vehicles continue, but are talking about very few vehicles (end of series).

**The ES representative** thanked the Commission for the coordination.

Spain has stopped end of series sales of Euro 5 diesel vehicles, on the basis of national legislation (end-of-series is a national decision).

All manufacturers have been asked whether they have used a similar strategy. Most of them have replied and said no. They have met with VW and are waiting for information.

Don't know what kind of tests the TAA could do, legally, to check this issue.

**The FR representative** thanked the Commission for the coordination.

The device is technically very complicated – TAC was requested to come up with a test and to test the vehicles represented in the FR market. This started 1 October. It has also started to test the vehicles Euro 4, 5 and 6 to check whether similar devices have been used. JRC is cooperating and will have preliminary results to share at the end of October.

There are already actions against VW by consumer organisations.

**The NL representative** is following the process in Germany.

Sales are not blocked in NL. It is not only end of series, some are still being registered (M1 II and III). Importers are not selling the vehicles anymore, but not upon a decision of the NL authorities.

NL has sent letters to the manufacturers type-approved in NL asking for information. 2.000 type-approvals – 22 manufacturers.

The system they have in place does not allow finding this kind of problem. RDE will be vital in this respect, as it will allow independent testing.

**The IT representative** stated that this is a serious case, the most serious so far for our TA system. IT authorities contacted DE immediately, and with the information received will now try to identify the affected vehicles in the database. The vehicles are not being sold – decision of the concessionary.

An investigation will be started comparing the emissions in laboratory and in RDE and on eventual defeat devices (will focus on vehicles that have very high differences). If the problem is confirmed, action will have to be taken. The system in the FD should be less vulnerable to these situations.

**The LUX representative** : Competitiveness Council – the Ministers have delegated in DE the task of analysing the issue and coming up with solutions.

The EU TA system did not manage to detect the problem, but nor did the market surveillance system – it was a private initiative. Our system still has more advantages than disadvantages. It is the responsibility of the manufacturer to build its vehicles in accordance with the TA rules. In the future we will need to strengthen the TA system.

**The UK representative** stated that the TA system is under threat – it is a good system, but we need to reflect on how it should be improved. The Volkswagen case affects 1.2 million Euro 5 vehicles in the UK. VW UK voluntarily stopped sales in the UK of the remaining Euro5 derogation vehicles. The national authorities have limited powers in situations like this; we cannot act without absolute proof of illegality. The UK government will ensure vehicle owners will not incur additional taxation if their existing vehicles are found to be fitted with illegal software that manipulates emissions tests. The UK government has also announced a programme to retest vehicles. The Vehicle Certification Agency, the UK type

approval authority, is running laboratory tests starting with those VW Group vehicles for which VCA has provided approvals. While Euro 6 is important, as it is the future, this test programme will focus on Euro 5 vehicles initially. The testing will include RDE, WLTP and NEDC tests.

The UK asked about the coordination role of the Commission, commenting that we should try to avoid overlaps in TAA testing as these are very costly tests. The UK also commented on the Commission's important role in drawing together common conclusions.

Finally the UK highlighted that the text regarding defeat devices for heavy duty vehicles is different from light duty, and suggested that the light duty regulation may benefit from being updated to align with heavy duty requirements.

**The SE representative** mentioned that they have done some tests on in-service vehicles. SWE has an in-service program and do some tests outside the regulations. In this context SWE have testes 6 vehicles in accordance with RDE in the last three years, 3 of them diesel. They exceeded the limits.

**The CZ representative** informed the Committee that there: registered cars in CZ: 230.000. 100.000 of these are Skoda.

Will start this week to test Euro 5 and 6 vehicles. This is being coordinated with the DE authorities. After, the results will be discussed with Skoda.

No more Euro 5 Skoda vehicles for sale.

**The BE representative** explained that a committee to deal with this issue has been created. They need more information. Once they have the necessary information they will decide what to do. Information from importers: 400.000 vehicles in BE. They have launched a procedure on RAPEX concerning measures on dealers and importers. No specific info on the concrete measures. The representative asked how BE can have access to the necessary info.

**The RO representative** stated that RO had immediately contacted KBA, which gave information on the vehicles affected.

5.000 vehicles concerned. 300 end-of-series. The sales have been blocked by the authorities.

National producer – information that the problem does not exist.

No measures yet (no own tests)

**The HU representative** stated that there are possibly 23.000 affected vehicles in HU. They have not stopped the sale of vehicles. They have asked other manufacturers represented in HU whether they are also affected.

**The DK representative** stated that there are 90.000 vehicles from VW in DK and the importer has voluntary stopped the sales.

No own testing being done.

**The EC representative: Definition of defeat devices:**

LD – was carried out from the existing legislation in 2007. It corresponds to the US definition at that time.

HD – also the US definition, but has also the need for type-approving these devices.

EU – there isn't the obligation for manufacturers to have alternative emission control strategies (that may be defeat devices) type-approved. Should amend the legislation. DE has made a proposal for Coreper in the context of Euro 5/6.

**The EC representative** asked for an exchange of information: the Commission will create an IT tool and all exchanges should go through this. DE should put all the available information there.

Uniform testing: all relevant information on testing methods should be sent to the Commission – JRC. We should achieve comparable results.

Asks for particular attention to be given by MS to the answer of question 3.

**5. Exchange of views with respect to the preparation for the UNECE WP29 session of 09 – 13 November 2016:**

- a. Information from the Commission on the position to be taken by the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to Nos 12, 16, 26, 39, 44, 46, 58, 61, 74, 83, 85, 94, 95, 97, 98, 99, 100, 101, 106, 107, 110, 116, 127, on a new UN Regulation on frontal impact, on amendments to the Consolidated Resolution on the Construction of Vehicles (R.E.3) and on a new Mutual Resolution No. 2 (M.R.2) on vehicle powertrain definitions (mega decision);**

**The EC representative** presented the draft mega decision. He brought 4 points to the attention of the participants. The first point concerned a proposal from the UNECE secretariat to correct a sentence in paragraph 5.2.8.2. on electrolyte spillage of the new UN Regulation on frontal impact (ECE/TRANS/WP.29/2015/105) as follows: 'For open type traction batteries no more than 7 per cent with a maximum of ~~0.5~~ **5.0** litres shall spill outside the passenger compartment.' This change is in line with UN Regulation No 94 on which this new Regulation is based. This change will be proposed by the secretariat before the vote on the document and the EC recommends accepting the document including this correction. The second point was the recent choice from GRSG to withdraw document ECE/TRANS/WP.29/2015/90 from the WP29 agenda, which is an amendment to UN Regulation No 110 on CNG and LNG vehicle requirements. The document will be revisited by GRSG and resubmitted in the March 16 WP29. Consequently the document reference will be deleted from the mega decision.

**The EC representative** continued with the presentation by referring as third point to an amendment of the consolidated Resolution on the construction of vehicles (R.E.3, ECE/TRANS/WP.29/2015/111). The document is ready and acceptable for vote and he invited the DE representative in his capacity as Chairman of GRPE to provide a verbal update on the discussions in GRPE earlier this year. Finally as fourth point he thanked the DE representative on behalf of the EC for his work as Chairman on the informal UNECE working group VPSD. The output of this group is mutual Resolution No 2 (M.R.2, ECE/TRANS/WP.29/2015/110), which is ready for vote in the coming WP29 meeting.

**The DE representative** explained that M.R.2 is applicable both under the 1958 and 1998 Agreements and intends harmonising vehicle powertrain system definitions. He anticipates that this document is not controversial and that WP29 will consider it in the upcoming meeting in November. With respect to the amendments on market fuel quality in R.E.3 he noted that the

changes are important for the European industry exporting their products to third countries and he therefore recommended adopting this document too.

**The FR representative** noted that the amendment to Regulation No 107 (ECE/TRANS/WP.29/2015/88) required corrigendum GRSG-109-02 as this was recommended by GRSG last week and he requested the IT representative in his capacity as GRSG Chairman to confirm this.

**The NL representative** confirmed that this corrigendum would be needed as well as an additional corrigendum.

**The IT representative** in his capacity as GRSG Chairman recalled that GRSG had decided to submit ECE/TRANS/WP.29/2015/88 to the Nov 16 WP29 session for adoption first as it stands and to submit the consolidated changes as a supplement for the March 16 session of WP29 as it was felt that it was not appropriate to submit these changes as corrigenda with such a short notice to WP29. Nevertheless he was going to verify that with the UNECE secretariat and would confirm this after the meeting.

**The UK representative** stated that his colleagues were still examining the proposed mega decision and that to date no concerns were identified but nevertheless the UK was raising a parliamentary reservation until final confirmation that there are no issues. However, in principle the UK would vote in favour.

**b. Exchange of views on the financing of the UNECE database for the exchange of type-approval data (DETA).**

**The EC representative** presented some elements of document WP29-166-07 regarding financing of the UNECE DETA, which is a database at the premises of the UNECE for the secure exchange of international type-approval data. The UNECE secretariat had summarised its analysis in this document and anticipates a total sum of \$ 125000 per year to operate the database and helpdesk services. The secretariat identified 4 options listed in the document. The EC representative asked the meeting participants to share their views and express preferences to the EC to allow communicating the common EU position with respect to this subject in the upcoming WP29 meeting.

**The NL representative** was definitely in favour of financing DETA by increasing in the UNECE regular budget (4<sup>th</sup> option). He anticipated that the other options would increase burden and make it less attractive for candidate contracting parties to accede to the Agreement. He was also concerned with discontinuity of DETA if other options than increasing of the regular budget would be chosen.

**The IT representative** agreed with his Dutch colleague that traditional financing by increase of the regular UNECE budget is the right way forward.

**The BG representative** supported the views from NL and IT.

**The UK representative** also agreed with increasing the regular UNECE budget as for the other 3 options it is likely that the financing would need to be shouldered by only the EU Member States whereas all 51 CPs would benefit from the database. He noted that DETA could also be



beneficial for CPs of the 1998 Agreement but that some CPs to that Agreement considered DETA as only an item relevant for type-approval. He would like to convince the CPs of the 1998 Agreement that DETA is also useful for countries with a self-certification system.

**The SE and DE representatives** were in agreement and in favour of increase of the regular budget.

**The EC representative** took note of this consensus and stated that the EC would communicate the preference of the MS in the upcoming WP29 meeting.

**6. Exchange of views on a proposal for a Commission Directive amending Directive 97/24/EC of the European Parliament and of the Council of 17 June 1997 on certain components and characteristics of two or three-wheel motor vehicles and Directive 2009/67/EC of the European Parliament and of the Council of 13 July 2009 on the installation of lighting and light-signalling devices on two- or three-wheel motor vehicles**

**The EC representative** presented a proposal to amend Directives 97/24/EC and 2009/67/EC which are part of the current type-approval package based on Directive 2002/24/EC. He explained that it would still be worthwhile to introduce these changes as Regulation (EU) No 168/2013, that replaces Directive 2002/24/EC, contains transitional provisions in Article 77(3) allowing new types of two-, three- and four-wheeled mopeds (categories L1e, L2e and L6e) still to be approved in accordance with Directive 2002/24/EC in 2016, despite the fact that Directive 2002/24/EC and its implementing Directives will be repealed on 31 Dec 15. There are precedents of such scenarios in EU approval legislation. Existing moped type-approvals based on 2002/24/EC will still be valid until 31 December 2017 in accordance with Annex IV to Regulation (EU) No 168/2013. He stated that the proposal had already been introduced in the Motorcycle Working Group meeting of 23 Sep 15 and that the deadline for comments had been set to 05 Oct 15. He proposed to extend the deadline until 13 Oct 15 for Member States to comment. Targets are the TCMV vote still in 2015 and an adoption process allowing publication of the amendments by the end of May 2016.

**The DK representative** was concerned with this proposal from the legal point of view. He pointed out that EC adoption can only follow after the three months scrutiny period, which means that the EC would adopt legislation after its repeal. He questioned the proposed timing as Member States need at least half a year to transpose a Directive into national legislation, which results in publication by the end of 2016 and he wondered whether this work would still be justified for a just a couple of months up to the point that Regulation (EU) No 168/2013 would be applicable for all vehicles of category L.

**The BG representative** understands the justification from the EC to still try and make these amendments to the current legal package but she agreed with her Danish colleague that the proposal was problematic from the legal point of view. She wanted to know from the EC which will be the final anticipated date in Article 3 of the proposal for transposition into national legislation.

**The EC representative** took the point from the DK and BG representatives and acknowledged that, assuming the 6 months transposition time, the anticipated entry-into-force date would probably be towards the end of 2016. He stated that the EC would investigate this further and would update the participants in the next TCMV meeting.



## **7. Discussion on the updated Commission draft proposal for the amendments to Regulation (EU) 582/2011;**

**The EC representative** presented in brief the main changes introduced in the draft proposal following the last TCMV and the technical expert group meeting which was held on the 22<sup>nd</sup> September. The main change concerned the deletion of all the items referring to the PEMS-PM measurements and introducing a recital on the obligation of the Commission to introduce instead a PEMS-PN measurement and limit as soon as technically feasible. The EC will launch the pilot study for validating the PEMS-PN methodology already on the 22<sup>nd</sup> October 2015 in a meeting of the experts in Ispra Italy, with the aim of completing the whole exercise in the minimum time technically possible. Other issues like a possible Cold Start procedure, the introduction of special provisions for paraffinic fuels, the changes in the payload limits to be tested and some other minor issues were not yet introduced in the text, because the EC is waiting for input from the industry and/or MS.

**The AT representative** commented that the speeds used are not representative for the reality in Austria and need to be increased for both highways and national roads.

**The EC representative** replied that it is true that the speed limits used necessarily reflect a European average situation. Since speed limits in various countries differ, it is not possible to select limits that reflect all situations.

**The DE representative** asked clarifications on the timing of the PEMS-PN and welcomed the introduction of the PEMS-PN, if this will happen quickly.

**The EC representative** answered that the whole exercise will have a very strict timing and will only be successful if the EC manages to secure the help of vehicle and instrument manufacturers. The current draft plans for the exercise to finish by the end of 2016 in order to allow adoption of the new procedure by early 2017, but a more accurate plan will be available after the kick off meeting.

**The FR representative** welcomed the introduction of the PEMS-PN procedure and abandoning the PEMS-PM. She noted that there is a consistency problem in Annex I Table 1 of appendix 9 between the last date of registration of step C (30/12/2017) and the first implementation date for all vehicles of step D. (31/12/2018). This means that there is one year + one day between the end the step C and the beginning of step D for new vehicles of existing types. They propose instead the following: Implementation dates: all vehicles for step C: 31.12.2016 and last date of registration for step C: 30.12.2018. Other statements and questions were provided in writing after the meeting.

**The UK representative** welcomed the introduction of the PEMS-PN procedure and abandoning the PEMS-PM.

**The SE representative** welcomed the introduction of the PEMS-PN procedure and abandoning the PEMS-PM. He repeated the issue which was raised in the previous meeting with the lowering of the test start temperature to 30 °C, which would not allow for two tests per day, increasing thus the burden for the testing labs.

**The EC representative** replied that the introduction of the 30 °C was in order to avoid that vehicles come into the test with preconditioning of their exhaust after-treatment systems and will reevaluate it once the cold start discussion is finalised.

**The NL representative** welcomed the introduction of the PEMS-PN procedure and abandoning the PEMS-PM. He promised assistance in redrafting the text on the issue of paraffinic fuels and payload.

**The DE representative** also supported the introduction of the PEMS-PN procedure. With regard to cold start, DE declared that that this is a crucial issue. If no quick solution can be found for the issue of cold start in the current comitology package this should be addressed as soon as possible., DE will also support the introduction of start test temperature at 30 °C.

## **8. Exchange of views on proposals for updating Annex 4 of the General Safety Regulation**

**The EC representative** outlined the proposal to update Annex 4 of Regulation (EC) No 661/2009. He explained it was a relatively straightforward update of the references to the Official Journal, given the ongoing translations of published UNECE regulations. He noted the updates of Regulation Nos 118 regarding fire resistance of coaches and R46 regarding the more stringent requirements for N2 and N3 trucks. For these reasons the validity of old and previously equivalent Directive approvals would be limited to a proposed deadline of 1 April 2016. A number of Member State representatives noted that this date should be reconsidered given the short timeframe. The Commission representative noted that transitional provisions of UNECE regulations have been first negotiated in Geneva and subsequently endorsed (again) by Member States for the Council Decision. There should not be a third negotiation when updating Annex 4. Manufacturers are strongly encouraged to adhere to the transitional provisions as provided in the various UNECE regulations as they can be translated and published in the Official Journal with little prior warning. The Commission representative asked Member States for their written comments in this context. The DK and RO representatives noted that there was some confusion as regards the entry into force dates for various listed regulations, i.e. whether or not this should be understood to be 1 April 2016 for the level as indicated in Annex 4. The Commission representative agreed to clarify in the recitals what the entry into force date means.

## **9. Exchange of views and discussion on the further development of the RDE legislation;**

The Technical Committee – Motor Vehicles debated the further development of the RDE legislation, in particular the NTE emission limits and the application dates for the RDE.

**The EC representatives** presented and explained in detail the circulated in advance note. It was stressed that the proposal is based on assessment of the problem predating the VW case. In that sense, the content of the proposal is based on available data from Commission sources and input from stakeholders. The content of the proposal is thus not influenced by the VW case.

**The EC representative** expressed determination to transform the political commitments made by the Competitiveness Council of 1 October into concrete legislative actions.

**The EC representative** took the position that no further discussion on the parameters of the proposal should be scheduled and that the elements of the proposal have been extensively

and clearly discussed in previous meetings. The Commission considered that their reasoning and proposed solutions have been sufficiently explained. Taking into account the discussion and the written contributions by the Member States, the Commission will send a revised version of the proposal.

The deadline for written feedback and positions on the proposal was set for 16 October 2015. Representatives of DG Environment expressed their support of the proposal and stressed the importance of RDE for the air quality.

The Member States welcomed the proposal of the Commission but expressed the need to consult internally before a definitive position is provided. Most Member States were in general positive and urged for a quick implementation.

Some Member States –IT, ES, Ro- expressed reservations towards the timeline provided by the proposed text. Additionally, reservation towards the CF were expressed and discussed. The Member States generally agreed that the introduction of transfer functions (TF) should not delay the adoption of the second regulatory RDE package.

Details:

**The DE representatives** welcomed that the package was now tabled by the Commission and pointed the need for a quick implementation of an effective RDE as soon as possible and at latest till end of 2015. A position on the draft text will be sent after internal consultations. Regarding the TF, Germany considered that discussions on TF should not delay the adoption of the proposal.

**The FR representatives** welcomed and is in general positive, but still needs to consult internally. Regarding TF, France did not object making a reference in the text, provided that this does not delay the adoption of this text.

**The IT representatives** expressed concerns on the application of the timeline, noting that the dates should be moved to 2017 and 2019 for the first stage. It was suggested that classes II and III should not be covered in a 1<sup>st</sup> stage. Additionally, IT expected that the 1<sup>st</sup> stage should allow current Euro 6 vehicles to comply with the legislation with a mere calibration of the engine. IT agreed with FR that TF can be mentioned provided that this does not cause delays for the implementation of the package.

**The ES representatives** expressed concern about the competitiveness of the EU industry. Like IT, considered that the proposal is too strict and there should be a balance between the dates and the CF. He also emphasised that the effect of the RDE legislation on CO<sub>2</sub> emissions of the vehicle fleet should be considered and that transfer functions are a valid concept, which should be further pursued.

**The UK representatives** also had reservations on the CF for both stages. On the topic of dates, the UK considered that the dates for the 1<sup>st</sup> stage of the proposal are acceptable, but could not comment on the dates of the second stage.

**The SE representatives** expressed concern about the CF in the first stage, but approved of the CF in the second stage. Concerning the timing of the first stage, SE considered the timing

for new types to be acceptable but that the date for new vehicles should be extended to September 2019, in addition the proposal should not define the concept of transfer functions.

**The BG representatives** expressed the need to balance protection of the environment with competitiveness of EU industry.

**The NL representatives** supported the proposal and considered that it is urgent to implement the proposed package. It was proposed that the timeline could even be sped-up and that it is technically feasible to achieve the suggested CF. Therefore, the mandatory application date should be set on the 1 January 2017 for type approvals and for new vehicles (all types) on the 1 January 2018 with a conformity factor for the NOx emission level of 1,5 for the moderate condition and a conformity factor of 2 for extended conditions. Two years later the conformity factor should be set to 1 with the margins as proposed in the Commission proposal. This means with the earlier introduction dates: 1 January 2019 for new type approval and 1 January 2020 for new vehicles (all types). The Netherlands do not see the need to delay the RDE for N1 vehicles of category II and III and N2 vehicles with 1 year so the NL representative proposed the same date as for the M1 vehicle category

NL also requested the possibility, in the future, for a CF for urban driving.

Some concern was expressed regarding the dynamic boundaries- since most trips in NL would be excluded.

The NL representatives did not support inclusion of the TF for the moment.

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**The DK representatives** agreed with NL that entry into force could be accelerated and that even lower CF could be adopted. DK was also against the inclusion of TF for the moment.

**The BE representatives** were generally positive about the proposal. Yet they there might be reservations. BE was also against the inclusion TF in the current package.

**The PL representatives** support the quick implementation of RDE, but will still discuss the details internally before and a position is offered.

PL did not support the inclusion of TF in the current text.

**The RO representatives** stressed that they would favour a technological approach, taking into consideration the costs. Like IT, RO considered that the 1<sup>st</sup> phase should only require re-calibration of the engines. In that light, this proposal is not realistic.

**The FI representatives** expressed their support for the proposal and were against the inclusion of TF in the text.

**The HU representatives** agreed that discussions on TF should not delay the adoption

# ANNEX I

## ATTENDANCE LIST 50<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 06 OCTOBER 2015

### MEMBER STATES

<b>BE</b>	Mr M. Loccufier	SPF Mobilité et Transport
	Ms A. Wayenbergh	SPF Mobilité et Transport
	Mr O. Brahy	Environment Belgium
	Mr R. Verhelst	MOW Vlaanderen
	Ms K. Sanders	MOW Vlaanderen
	Ms A. Vereecken	MOW Vlaanderen
<b>BG</b>	Ms I. Anatasova	Ministry of Economy
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
	Ms K. Lizacova	Permanent Representation of the Czech Republic
	Mr Z. Cechora	Permanent Representation of the Czech Republic
<b>DK</b>	Mr N.A. Nielsen	Danish Transport and Construction Agency
	Ms K. Asmussen	The Danish Environmental Protection Agency
<b>DE</b>	Mr C. Albus	Bundesministerium für Verkehr und digitale Infrastruktur
	Mr M. Bänsch	BMW I
	Mr S. Paeslack	KBA
	Mr O. Eberhardt	Environment, Nature Conservation, Building and Nuclear Safety
<b>EE</b>		Absent
<b>IE</b>	Mr J. Kilroy	Road Safety Authority
<b>EL</b>		Absent
<b>ES</b>	Mr J.P. Laguna Gomez	Ministerio de Industria, Energía y Turismo
	Mr Prieto Barrio	Ministerio de Industria, Energía y Turismo
	Ms A. Garcia Gonzalez	Permanent Representation of Spain
<b>FR</b>	Mr P. Bazzucchi	Min. Ecologie, Energie, Développement durable
	Mr P. Castaing	UTAC ERAM
	Ms M. Molina	Min. Ecologie, Energie, Développement durable
	Mr E. Mounier	French Permanent Representation
	Ms A. Charrier	French Permanent Representation
<b>HR</b>		Absent

<b>IT</b>	Mr A. Erario Ms V. Polilo Mr G. Izzo	Ministry of Infrastructure and Transport Permanent Representation of Italy Permanent Representation of Italy
<b>CY</b>	Mr P. Petrou	Permanent Representation of Cyprus
<b>LV</b>	Mr J. Puntaks	Road Traffic Safety Directorate
<b>LT</b>	Mr J. Petrauskas	Ministry of Transport and Communications
<b>LU</b>	Mr C. Liesch	Société Nationale de Certification et d'Homologation
	Mr R. Lamberty	Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr L. Bády Mr K. Uhlik	KTI Institute for Transport Sciences KTI Institute for Transport Sciences
<b>MT</b>	Ms P. Agius Authority	Malta Competition and Consumer Affairs
<b>NL</b>	Mr A. Rijnders Mr H. Baarbé Mr T. Guiting	RDW (Vehicle Technology and Info Centre) Ministerie van Infrastructuur en Milieu RDW
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Transportation Technical Supervision
<b>PT</b>	Mr L. Paulo	Institute for Mobility and Transport
<b>RO</b>	Mr. C. Uta Ms C. Mui	Romanian Automotive Register Permanent Representation of Romania
<b>SI</b>		Absent
<b>SK</b>	Mr M. Hudec	Ministry of Transport of the Slovak Republic
<b>FI</b>	Mr K. Kuikke	Finnish Transport Safety Agency
<b>SE</b>	Mr P. Öhlund Mr A. Gunneriusson	Swedish Transport Agency Swedish Transport Agency
<b>UK</b>	Mr D. Kay Mr I. Yarnold	Department for Transport Department for Transport
<b>EFTA</b>		

**NORWAY** Mr A. Hagerupsen Norwegian Public Roads Administration

**Candidate Countries**

**MACEDONIA** Ms S. Baruti Macedonian Mission

**COMMISSION**

**DG GROW/C/4** Ms J. Szychowska – Chair

Ms A. SA Carvalho

Ms P. Dilara

Mr K. Steininger

Ms M. Teles Romao

Mr K. Steininger

Mr G. Gielen

Mr J. Renders

Mr A. Unterstaller

Ms R. Replinger-Hach

Mr P Broertjes

**DG ENV/C/3**

Mr J. Cortvriend

Mr Z. Kregar

Ms R. Lesovci

Mr T. Verheye

**DG RTD/H/2**

Mr M. Maghloro

**DG CLIMA/C/2**

Ms S. Lindvall

Mr P. Owen

**SEC GEN/D/2**

Ms E. Lecoq

**COUNCIL**

Mr L. Labourné

Mr D. Mantzevelakis

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains

**Automotive & Mobility Industries**

**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 1 December 2015

GROW/C4 – CM -

**MINUTES**  
**51ST TCMV MEETING**

**MINUTES OF THE  
51ST MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

\*\*\*\*\*

**HELD IN BRUSSELS  
ON  
28 OCTOBER 2015**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 50th meeting held on the 6 October 2015;**

Three Member States commented on the draft minutes from the 50<sup>th</sup> meeting held on the 6 October 2015.

The representatives of Germany noted that they have some comments on the minutes but since they did not have sufficient time to check them, they would not be able to agree on the draft minutes at the current meeting.

The representatives of France noted that they have not asked other manufacturers about their potential use of defeat devices. Therefore the representatives of France requested that the following sentence is removed from the minutes: "All manufacturers have been asked whether they have used a similar strategy".

The representatives of Spain noted that it was not Mr Garcia Garcia but Mr J. P. Laguna Gomez who was at the 50<sup>th</sup> meeting held on 6 October 2015.

The Chairman noted the comments and the corresponding changes will be introduced in the minutes from the 50<sup>th</sup> TCMV meeting.

**4. Draft proposal submitted for final examination and delivery of opinion for introducing Real Driving Emission (RDE) test procedures into Euro 5/6 Regulation 692/2008/EC;**

**The Chairman** introduced the proposal for discussion, stressing that the aim of the meeting was to vote on it. He explained that the proposal is an implementing act. The Chairman also noted the importance of adopting the proposal on time in order to address the concerns of the Member States (MS) and send a positive signal to the citizens. The Chairman clarified that if a negative or no vote is cast, the proposal will be submitted to the Council. Finally, it was noted that the European Parliament had expressed its expectations regarding the responsibilities of the MS towards the discussed draft RDE proposal.

It was emphasised that the proposed text was very much in line with the text debated on 6 October 2015. The Commission followed its previous position on the implementation dates and conformity factors. The Commission had introduced some adjustments to the text in accordance to the debate on 6 October. One of the adjustments concerned moving the concept of Transfer Functions (TF) from the normative part of the draft Regulation to the recitals.

**A representative of the Commission** gave a brief recap of the draft and its main elements. The draft proposal maintained the two step approach which implied two dates for the application of the RDE. First set of dates – September 2017/2018 for the first conformity

factor (CF) and the second set of dates - September 2019/2020 for the final CF. Based on previous explanations and comments from MS, the Commission maintained its position on conformity factor equal to 1.6 for the first step and a margin of 0.2, reflecting uncertainties of the measurement procedure, for the second step.

Taking into account that the concept of Transfer Functions will not be developed sufficiently in the coming months, the Commission considered, not least for legal reasons, not to have the text in the normative part of the Regulation. Therefore in the discussed new draft, the concept of TF was introduced in the recitals.

In the proposal one more definition was introduced, namely base emission strategy and alternative emission strategy, in order to facilitate the supervision of emission control and to better prevent "defeat devices". **A representative of the Commission** explained the concept and the reasoning behind the introduction of this definition.

Article 3(10) of the first package defined exceptions that do not have to comply with CF since no CF were adopted yet. With the draft proposal and the adoption of CF, there is a need to change these conditions, because otherwise all the exceptions will not be valid. With the introduction of this change it is ensured that during the monitoring phase no emission limits are applicable to the RDE testing for the mentioned exceptions.

In this context the **representative of Italy** requested that a third clause about the confidentiality of such strategies should also be included in order to reflect the Euro 6 legislation.

**The Chairman** invited all MS to indicate their opinion on the main elements of the proposal, namely:

- 1) Conformity Factors (CF)
- 2) Dates of application
- 3) Transfer Functions (TF)
- 4) Any other specific elements that may concern the MS

Some Member States (IT, SE, ES, CZ, HU, RO) noted that the vote should be postponed to the next TCMV meeting due to the short amount of time given to the Member States to reflect on the changes of the draft proposal. The UK proposed a longer delay. Other Member States (FI, AU, NL, LT, FR, DK), considered that the second RDE package should be adopted as soon as possible and thus should be voted at the 51<sup>st</sup> TCMV meeting. **The Commission** took the view that the vote should be taken at the 51<sup>st</sup> TCMV meeting since the communicated text was mainly the same with some fine-tuning and just a few additions to the text. Details:

**The representative of the UK** noted the importance of the issue but cautioned against a rushed decision. The UK considered it premature to take a decision during the 51st TCMV meeting since the details of the proposal were of great importance and the draft proposal had

fundamental changes to earlier drafts, especially the requirement that the CF be met in urban conditions in addition to the whole test cycle.

On the specific points raised by the Chairman, the UK prefers the 1<sup>st</sup> step: CF=2.2 and 2017/2018 for dates of application. The UK was disappointed that the TF was removed from the normative text and considered that the boundary conditions needed to be changed according to a note sent to the TCMV members that day. Moreover, the UK expressed concerns that the potential of deNO<sub>x</sub> technology, which is currently used in over 50% of the European market, was not included in the methodology used to calculate the market impacts of the step 1:CF.

**The representative of Slovakia** considered that the CF for step 1 should be at least CF=2, while for the second step, it should be at least CF= 1.5. Regarding the dates, SK proposed 2017/2019 for the 1<sup>st</sup> step and for the 2<sup>nd</sup> step - 2020/2021.

**The representative of Sweden** took the position that the CF for the 1<sup>st</sup> step should be CF=2.5 and CF= 1.2 for the 2<sup>nd</sup> step. Additionally, Sweden considered that the dates should be postponed with 1 additional year compared to the Commission proposal. Sweden was not in favour of the TF for the second step. It was suggested that the voting on the proposal is postponed for the next TCMV meeting.

**The representative of Finland** supported that Commission proposal but noted that they can be flexible on the CF for step 1.

**The representative of Slovenia** was in favour of a prompt solution but noted the need to take into account the possibilities of industry to adjust. Slovenia noted that it can be flexible with the proposal.

**The representative of Portugal** expressed his support for the Commission's proposal. In order not to delay the adoption of the proposal he considered that the TF should not be in the proposal.

**The representative of Romania** noted the unexpected changes in the proposal and considered that they cannot accept them without receiving justifications. It was stressed that the aim of the proposed text was to reduce pollution. However, Romania considered, as explained in the submitted written opinion, that the difference in pollution levels was very small between the stricter Commission proposal and a less strict option. Therefore, Romania considered that the CF should be less strict. Regarding the TF, Romania took the view that keeping the concept in the normative part of the proposal was a better solution. RO also noted that it would like to address the boundary conditions as expressed in its written contribution.

Additionally, RO expressed concerns about loopholes in the proposal, which might allow imported vehicles not to comply with the EU emission standards.

The representative of Romania took the position that the 1st step should be applied as of 01.09.2017/01.09.2019 with CF=2.8, while step 2 should be applied from 01.09.2020/01.09.2022 (could accept 01.09.2021 as compromise) with CF= 1.8. The CFs values are negotiable.

**The representative of Poland** took the position that the 1<sup>st</sup> step should be applied as of 2017/2019 with CF=2.5, while step 2 should be applied from 2020/2021 with CF= 1.5. Poland could support the TF.

**The representative of Ireland** expressed full support for the Commission proposal.

**The representative of Austria** was in favour of an early implementation, thus supporting the proposed dates. However, AU proposed CF= 2.5 for the 1<sup>st</sup> step and at least CF= 1.4 for the 2<sup>nd</sup> step. According to AU, further discussion was needed on the TF.

**The representative of the Netherlands** considered that it is important for the proposed legislation to be adopted as soon as possible. This will be a big step to recover the trust of the consumers.

NL considered that the dates set should be moved to January 2017/2018 and cautioned that their mandate was to introduce directly the final CF. NL supported the removal of TF from the normative text as well as the more explicit definition of a CF for urban driving. Regarding the boundary conditions, NL took the view that driving behaviour should be further investigated before fixing them.

**The representative of Malta** fully supported the text proposed by the Commission.

**The representative of Hungary** also expressed the view that there was not enough time to review the proposal. HU proposed for the 1<sup>st</sup> step: CF=2.5 and dates of application 2017/2019 M, N1 class I vehicles equipped with compression ignition (CI) engines. HU considered that for the second step the dates should be 2021 for new type and 2022 for all types. For vehicles with positive ignition engines, HU suggests applying only the 2<sup>nd</sup> step of RDE requirements. HU considered that more information is needed on TF.

**The representative of Luxembourg** informed that the political will in Luxembourg was to accept the Commission's objectives. As to the CF, LUX explained that those will depend on the tests and the boundary conditions.

**The representative of Latvia** was in favour of an early implementation especially taking into account the political element of the problem but stressed that the interests of the industry should also be considered and no loopholes allowed as mentioned by RO.

**The representative of Cyprus** was in favour of the Commission proposal.

**The representative of Italy** considered that the text should be adopted by the end of 2015. IT was surprised by the CF and dates proposed by the Commission and considered that the 1<sup>st</sup> step should be adopted in 2019 for new vehicles and while CF around 3 was considered appropriate, IT was open to accept CF=2.5 for 1<sup>ST</sup> step and CF=1.4 for the 2<sup>nd</sup> step. According to IT, vehicles N1, classes 2&3 should be excluded from step 1 since they represent niche vehicles. IT considered that TFs would be better included in the normative text than just in a recital.

**The representative of Croatia** communicated his support for the Commission proposal but indicated that a compromise can be attempted as well. Croatia could accept the TF provided that this did not cause delays.

**The representative of France** indicated that compromise should be reached at the 51<sup>st</sup> TCMV meeting and supported CF < 2 and application dates respectively 2017/2019 for the 1<sup>st</sup> step; and CF between 1.4 and 1.6 and 2019/2020 for the 2<sup>nd</sup> step.

**The representative of Spain** also considered that he needs more time before voting on the proposal. ES was surprised by some of the new provisions in the proposal, such as the CF for urban driving.

ES considered that it had presented a proposal which ensured a balance between manufacturers and environmental concerns. ES thus proposed CF= 2.3 for 1<sup>st</sup> step and CF= 1.6 for 2<sup>nd</sup> step. Regarding the timeline, ES considered that the 1<sup>st</sup> step should be applied as of 2017/2019 (not applying to heavy commercial vehicles given the limited number of vehicles in this sector) and 2<sup>nd</sup> step as of 2020/2022. Regarding TF, Spain was in favour of the Commission's text proposed on 6 October.

ES considered that appropriate definition of dynamic conditions is crucial.

**The representative of Belgium** welcomed the proposal and said he can be flexible in reaching a compromise.

**The representative of Bulgaria** expressed his support of reaching of compromise but considered that for the 1<sup>st</sup> step, a CF= 3 should be applied, while all the deadlines should be extended by 1 year.

**The representative of the Czech Republic** expressed the need for additional time to study the proposed text. Based on their written submission, however, CZ considered that for 1<sup>st</sup> step a CF=2.7 and dates 2017/2019 are appropriate. For 2<sup>nd</sup> step: CF=1.7 and application dates of 2020/2022.

**The representative of Denmark** expressed her hope for a solution during the 51<sup>st</sup> TCMV meeting and proposed for 1<sup>st</sup> step a CF= 1.4 and application dates of January 2017/2018. For 2<sup>nd</sup> step: CF=1.18 and application dates of January 2019/2020. DK supported NL regarding the TF.

According to DK, more stringent CF and earlier dates were necessary to ensure consumer confidence and environmental protection.

**The representative of Germany** agreed with FR that a compromise should be found but considered that the CF should be raised and the dates should reflect the changes in the CF. However, early implementation was important. DE considered that TFs should be put in the articles, rather than in recitals.

DE considered that the Type-approval legislation needs to be reworked.

**The representative of Estonia** stated that he can be flexible in his approach.

**The representative of Norway** supported the Commission proposal.

**The Chairman** thanked all the representatives for their positions.

After hearing the position and concerns of the Member States, **the Chairman** asked the Member States to shortly express their opinion on a compromise text, which included for step 1: CF=2.1 and application dates 2017/2019 (new type approvals/all firstly registered vehicles) and CF=1.5 for step 2. The proposal did not receive majority approval by the Member States. Most of them considered it too stringent.

The Commission therefore proposed the revised compromise, which included the introduction of a confidentiality clause for the emission control strategy to be communicated by the manufacturers and changes in the text (for category M and category N1 class 1 vehicles):

- Step 1: CF=2.1 and application dates- September 2017/2019 (new type approvals/all firstly registered vehicles)
- Step 2: CF= 1.0 and application from January 2020/2021 (new type approvals/all firstly registered vehicles)
- A measurement tolerance of 0.5 for step 2 is allowed but which is subject to an annual review
- Transfer Functions are returned in the normative text as suggested in the Commission service proposal of the TCMV of 6 October
- A new recital is introduced as follows: "Finally, recognising the need to control NOx emissions in urban conditions, urgent consideration shall be given to changing the relative weighting of the urban, rural and motorway elements of the RDE test to ensure a low conformity factor can be achieved in practice, creating a further boundary condition relating to driving dynamics in the third regulatory RDE package above which the extended conditions shall be applicable from the step 1 introduction dates'
- The application dates for category N1 class 2 and 3 and category N2 vehicle are always 1 year later.

Based on these conditions, the TCMV gave **a positive vote** and adopted the amended proposal.

##### **5. Discussion on the updated Commission draft proposal for the amendments to Regulation (EU) 582/2011;**

This point was not discussed and will be added to the agenda of the next TCMV on the 17 November 2015.

##### **6. AOB**

## ANNEX I

### ATTENDANCE LIST 51ST TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 28 OCTOBER 2015

#### MEMBER STATES

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<b>BG</b>	Mr K. Tomov	Permanent Representation of Bulgaria
<b>CZ</b>	Mr L. Kincl Ms K. Lizacova	Ministry of Transport Permanent Representation of the Czech Republic
<b>DK</b>	Ms K. Asmussen Ms J. Pedersen	The Danish Environmental Protection Agency Permanent Representation of Denmark
<b>DE</b>	Mr G. Zielke  Mr M. Bänsch Mr S. Paeslack Mr S. Redman  Mr B-U. Hildebrandt Mr H. Schlienkamp Mr N. Salomon	Federal Ministry of Transport and digital Infrastructure Federal Ministry for Economic Affairs and Energy KBA Federal Ministry of Transport and digital Infrastructure Federal Ministry for Economic Affairs and Energy Federal Ministry for Economic Affairs and Energy Federal Environment Ministry
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<b>IE</b>	Mr A. Hurley	Permanent Representation of Ireland
<b>EL</b>		Absent represented by Cyprus
<b>ES</b>	Mr J. P. Laguna Gomez Mr J.M. Prieto Barrio Mr M.A. Robledo Ms A. Garica Gonzalez	Ministerio de Industria, Energía y Turismo Ministerio de Industria, Energía y Turismo INTA Permanent Representation of Spain
<b>FR</b>	Mr C. Messier  Mr P. Castaing	Min.de l'écologie, du développement durable et de l'énergie UTAC ERAM



	Ms H. Peskine Ms C. Vallaude	Min. de l'écologie, du développement durable et de l'énergie UTAC ERAM
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<b>IT</b>	Mr A. Erario Ms V. Polilo	Ministry of Infrastructure and Transport Permanent Representation of Italy
<b>CY</b>	Mr P. Petrou	Permanent Representation of Cyprus
<b>LV</b>	Mr J. Puntaks	Road Traffic Safety Directorate
<b>LT</b>		Absent
<b>LU</b>	Mr P. Diederich Mr R. Lamberty Mr C. Hansen Mr P. Philippe	Société Nationale de Certification et d'Homologation Société Nationale de Certification et d'Homologation Ministère des Affaires Etrangères et Européennes Ministère du Développement durable et des Infrastructures
<b>HU</b>	Mr K. Uhlik Mr T. Balazs Mr T. Stelbasky Mr G. Balazs	KTI Institute for Transport Sciences Permanent Representation of Hungary Permanent Representation of Hungary Permanent Representation of Hungary
<b>MT</b>	Mr. M. Gauci	Permanent Representation of Malta
<b>NL</b>	Mr A. Rijnders Mr H. Baarbé Mr Bastiaan Hassing	RDW (Vehicle Technology and Info Centre) Ministerie van Infrastructuur en Milieu Permanent Representation of the Netherlands
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Transportation Technical Supervision
<b>PT</b>	Mr L. Paulo	Institute for Mobility and Transport
<b>RO</b>	Mr. C. Uta Ms C. Miu	Romanian Automotive Register Permanent Representation of Romania
<b>SI</b>	Mr R. Jerončič	Ministry of Infrastructure
<b>SK</b>	Mr M. Hudec	Ministry of Transport

	Mr J. Krak	Permanent Representation of Slovakia
<b>FI</b>	Mr K. Kuikke	Finnish Transport Safety Agency
<b>SE</b>	Mr A. Gunneriusson	Swedish Transport Agency
<b>UK</b>	Mr I. Yarnold Mr D. Kay Ms S. Morgan Mr P. Creary Mr M. Ball	Department for Transport Department for Transport Permanent Representation of the United Kingdom Permanent Representation of the United Kingdom Permanent Representation of the United Kingdom
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration
<b>COMMISSION</b>		
<b>DG GROW/C/4</b>	Mr G. Cozigou - Chair Ms J. Szychowska Ms B. Bonvissuto Ms P. Dilara Mr K. Steininger Ms R. Replinger-Hach Mr P. Broertjes Mr M. Szymanski Ms S. Pörsti-Rönnerberg	
<b>DG ENV/C/3</b>	Ms R. Lesovci	
<b>DG CLIMA/C/2</b>	Mr W. Breda	
<b>SEC GEN/D/2</b>	Ms E. Lecoq	
<b>COUNCIL</b>	Ms K. Stolzenburg	

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 15 December 2015  
GROW/C4 – CM -

**MINUTES OF THE  
52ND MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

\*\*\*\*\*

**HELD IN BRUSSELS  
ON  
17 NOVEMBER 2015**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 50<sup>th</sup> and 51<sup>st</sup> meetings held on the 06 October 2015 and 28th October 2015;**

The DE representative informed that comments on the draft minutes from the 50<sup>th</sup> meeting held on 06 October 2015 have been sent to the Commission. These comments were noted by the Commission.

Regarding the draft minutes from the 51<sup>st</sup> meeting held on 28 October 2015, due to the late publishing, the Commission proposed that these are voted on during the next TCMV meeting but asked if any of the Member States had a comment at that stage. Three Member States commented on the draft minutes from the 51<sup>st</sup> TCMV meeting:

The DE representative expressed the need for more time to review the draft minutes due to the late publishing of the draft.

The DK representative remarked that on page 6, when referring to the representative of DK, the minutes should refer to "her" rather than "his" as the representative was female.

The representative of the UK remarked that the UK had noted that the vote should be postponed but had not referred to a specific date for such a vote. Furthermore, CF proposed by the UK for the first step was CF=2.2 rather than CF=2.1.

**4. Draft proposal submitted for final examination and delivery of opinion on a Commission Regulation amending Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards the periodical update of Annex IV (General Safety Regulation – update of UNECE regulation references in the OJ);**

The EC representative explained that the purpose of this proposal was to update the references to some UNECE Regulations in Annex IV to Regulation (EC) No 661/2009. He recalled that this proposal had already been presented on 6 October 2015 and was now ready for vote following the internal EC inter-service consultation. The UK representative requested more time to study the proposal given the late availability of the text. At the request from FR and DE, it was agreed to amend articles 2 and 3 to make reference to the 05 series of UNECE Regulation No. 107 and the 01 series of UNECE Regulation No. 118. On behalf of BG, RO requested that the translations in all MS languages to be made available as soon as possible. At the request of RO, it was recalled that as stated in the notes to the table of Annex IV to regulation No. 661/2009, the transitional provisions of the relevant UNECE Regulation should apply unless otherwise stated in Regulation (EC) No 661/2009 and its implementing measures. At the request of RO (using as example the ISO standards), it was recalled that the publication in the OJEU of the translations in all MS languages of the UNECE Regulations is mandatory for their application in the EU type-approval system. The

representatives from SE, IT and ES required more time for manufacturers to adapt their vehicles to UNECE Regulations 107-05 and 118-01 (i.e. 1 December 2016 instead of 1 July 2016). DK also requested more time for the phasing out of Directive 2003/97/EC approvals for vehicles of categories of N<sub>2</sub> and N<sub>3</sub>. The EC representative recalled that in any case Regulation 46-04 series introducing new requirements had been made compulsory for registration from 30 June 2015 with Regulation (EU) 2015/166, making Directive 2003/97/EC approvals for N<sub>2</sub> and N<sub>3</sub> vehicles not equivalent to Regulation (EC) 661/2009 approvals from this date. The EC representative agreed to prepare a revised proposal taking into account the comments received for the next TCMV. The text as amended during the meeting will be put on CIRCABC. Delegates were asked to provide possible additional written comments within 10 days.

**5. Discussion on the updated Commission draft proposal for the amendments to Regulation (EU) 582/2011;**

**The EC representative** presented a new draft of the text with a number of changes introduced after last TCMV meeting. In addition, the Commission services requested the Member States to provide their position on the introduction of less stringent demonstration requirements for the paraffinic fuels.

NL supported the proposal and expressed the view that the paraffinic fuels should be treated in a preferential way. DE welcomed the new draft with the provisions on cold start and called for a harmonised approach for different fuels. A question to AT on proposed average speeds for N1 and M1 vehicles has been posed. SE expressed support for the proposal and for the less stringent approach to paraffinic fuels. UK pointed to the fact that average speeds proposed by AT are difficult to be reached and requested that proposed cold-start provisions do not impede introduction of innovative solutions. IT thanked for the proposal and requested an explanation if the changes to the ISC procedure will affect vehicles which have already been type-approved. FR asked about the rationale behind changing the maximum warm-up time from 20 to 15 minutes.

**The EC representative** explained that a legal interpretation of the impact of the changes on the existing type-approvals is on-going and the Member States will be informed about its outcomes during next TCMV meeting. Referring to the questions from UK and FR, the Commission services reassured the Member States that the innovative solution will not be impeded and provided an explanation to the reason behind the change of the maximum warm-up time. In addition, the EC representative asked the Member States to provide their position on the paraffinic fuels by the end of the month.

**6. Presentation of the new WLTP test procedure by Commission services;**

**The EC representative** presented the general concept of how the new WLTP test cycle should be implemented into type approval legislation (document available on Circabc), which was acknowledged by the Member State representatives.

Secondly, a list of open issues for this legal implementation was shown and briefly discussed (document available on Circabc). There was a general agreement that before a final position of the TCMV on these points a further technical discussion would be necessary in the EU-

WLTP meeting of 30 November. The NL representative, supported by DE, requested that before this EU-WLTP meeting a separate discussion among government representatives for consensus building should take place, which was agreed by the Commission services.

Due to the time constraint an in-depth discussion of the regulatory texts themselves (new Annex XXI and the amended text of Regulation (EC) 692/2008) was not possible, but the texts were made available to Member States via Circabc.

#### **7. Presentation of the NEDC/WLTP correlation procedure by Commission services;**

DG CLIMA presented the new cycle and the correlation method.

#### **8. Amendments to Regulation (EC) No 692/2008 On Determination of evaporative emissions;**

**The EC representative** explained that it is now time to update the evaporative testing procedure, in order to catch up with the international developments and in order to reflect better the current issues faced in the European fleet, i.e. the still high percentage of monolayer plastic tanks which are permeable to ethanol and the severe ageing noticed with such tanks in the Swedish in-use compliance testing programme. The proposal is the result of long discussions and work performed in the Evaporative Emissions Expert Group and it is a substantial step ahead in the right direction. The new elements introduced in the procedure include a carbon canister ageing procedure and the use of the aged canister in the evaporative testing, a fuel system ageing and the development of a permeation factor, change the preconditioning test, the fill level of the tank and the change of the SHED testing to include two-day diurnal. The final limit is calculated by adding the two days of diurnals, the hot soak and the permeation factor. It is expected that some of the elements will be retained in the discussion for the WLTP Phase 2, while others will remain only as regional option, such as the 20% fill level which is designed to simulate the higher pressure due to the ethanol mixing in the European fuels.

**The SE representative** welcomed the proposal and stated that they have long cooperated with the evaporative emissions expert group providing data to support the development. Other Member States were asked to provide their comments in writing by the end of November.

#### **9. AOB**

- **Information regarding CO<sub>2</sub> emissions:**

**The Chairwoman** referred to a note from KBA with which the German Type Approval Agency (TAA) had notified other TAAs about exceeding CO<sub>2</sub> emissions regarding the VW case and had requested information from the other TAAs. The Commission was interested if KBA has received any feedback and asked the other TAAs to send the information requested by KBA within a week.

**The DE representative** informed that the investigatory committee in Germany was on the way. For the moment, there was no new information related to CO<sub>2</sub> emissions and it was still not clear whether the possible exceedances would lead to violations of the CO<sub>2</sub>

monitoring legislation.

The Commission also asked if the MS have received the letter from the two Commissioners - Elzbieta Bienkowska and Miguel Arias Cañete. Most of the representatives noted that the letter was addressed to other ministries and that these respective services are working on a coordinated response. The UK noted that the response is likely to be delayed due to parliamentary scrutiny towards the UK TAA.

- **Requests for access to documents:**

**The SE representative** raised a question regarding access to TCMV related documents.

**The Chairwoman** noted that in early October, JRC received an access to documents request concerning the brands and models of the vehicles tested in connection with the drafting of the 2011 report "Analyzing on-road emissions of light-duty vehicles with Portable Emission Measurement Systems (PEMS)" and the 2013 report "A complementary emissions test for light-duty vehicles: Assessing the technical feasibility of candidate procedures". It has been decided to fully disclose the requested information.

However, the discussions on the ongoing investigations and meetings with the JRC and the MS will not, in general, be made public. That being said, it was noted that case-by-case determination on access to documents will be undertaken. Furthermore, there is a procedure through which SG can overrule a decision of non-disclosure.

After a number of questions from the MS, **the representative of the Commission** explained that a journalist from the Wall Street Journal has made three separate requests for access to documents:

- 1) contributions sent by Germany to the TCMV regarding RDE
- 2) contributions sent by all MS to the TCMV regarding RDE
- 3) contributions sent by third parties to the TCMV regarding RDE

The first request has already been answered and the third request concerns contributions sent by parties other than the Member States; it is in the process of being answered.

The request was very specific and therefore only the documents which were clearly mentioned by the requester (i.e. contributions to the TCMV) will be considered for disclosure. For each of these documents, the Commission has sent an email to the original sender of the document requesting disclosure.

The Commission has requested that MS send their reply regarding the disclosure of the documents by 25 November 2015 at the latest.

In the reply to the journalist's request, which is due on 2 December 2015, the Commission is required to list all the documents which fall under the scope of the request, including the documents that are not released. For each refusal of disclosure, a justification will have to be provided.

The documents which are exchanged via the dedicated CIRCABC space "Member States information exchange on light-duty vehicle emissions" do not fall under the scope of the



request. Furthermore, should there be an access to documents request for those documents, the Commission has grounds to deny access to the documents in this particular CIRCABC space since they are connected to an ongoing investigation. Regarding the TCMV minutes – these remain confidential as determined by the Comitology rules and there are strong arguments to refuse access to the minutes.

## ANNEX I

### ATTENDANCE LIST 52<sup>ND</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 17 NOVEMBER 2015

#### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh Mr O. Brahy Ms A. Vereecken	SPF Mobilité et Transports Environment Belgium MOW Vlaanderen
<b>BG</b>		Absent represented by Romania
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
<b>DK</b>	Mr M. Spang-Hanssen	Danish Transport and Construction Agency
<b>DE</b>	Mr S. Redman Mr O. Eberhardt	Federal Ministry of Transport and digital Infrastructure Environment, Nature Conservation, Building and Nuclear Safety
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>		Absent
<b>EL</b>		Absent
<b>ES</b>	Mr J. P. Laguna Gomez	Ministerio de Industria, Energía y Turismo
<b>FR</b>	Mr C. Messier Mr P. Castaing Ms M. Molina	Min.de l'écologie, du développement durable et de l'énergie UTAC ERAM Min. Ecologie, Energie, Développement durable
<b>HR</b>		Absent
<b>IT</b>	Mr A. Erario Ms V. Polillo	Ministry of Infrastructure and Transport Permanent Representation of Italy
<b>CY</b>		Absent
<b>LV</b>		Absent
<b>LT</b>		Absent

<b>LU</b>	Mr R. Lamberty Mr C. Liesch	Société Nationale de Certification et d'Homologation Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr L. Bády Mr K. Uhlík	KTI Institute for Transport Sciences KTI Institute for Transport Sciences
<b>MT</b>	Mr M. Xuereb	Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr A. Rijnders	RDW (Vehicle Technology and Info Centre)
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Transportation Technical Supervision
<b>PT</b>	Mr L. Paulo	Institute for Mobility and Transport
<b>RO</b>	Mr. C. Uta Ms I.J. Iordan	Romanian Automotive Register Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>	Mr J. Krak	Permanent Representation of Slovakia
<b>FI</b>	Mr K. Kuikka	Finnish Transport Safety Agency
<b>SE</b>	Mr A. Gunneriusson Mr P. Öhlund	Swedish Transport Agency Swedish Transport Agency
<b>UK</b>	Mr D. Kay	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration

**COMMISSION**

**DG GROW/C/4**

Ms J. Szychowska - Chair  
Ms B. Bonvissuto  
Ms P. Dilara  
Mr K. Steininger  
Mr M. Szymanski  
Ms S. Pörsti-Rönnerberg  
Ms M. Teles Romao  
Mr A. Lagrange

**DG ENV/C/3**  
**DG CLIMA/C/2**

Mr Z. Kregar  
Mr W. Breda  
Ms G. S. Lindvall  
Mr P. Owen

**JRC**

Mr B. Ciuffo

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

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Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 27 January 2016  
GROW/C4 – CM -

**MINUTES OF THE  
53RD MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

\*\*\*\*\*

**HELD IN BRUSSELS  
ON  
16 DECEMBER 2015**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 52<sup>nd</sup> meeting held on the 17 November 2015;**

The minutes were approved.

**4. Draft proposal submitted for final examination and delivery of opinion on a Commission Regulation amending Regulation (EC) No 661/2009 of the European Parliament and of the Council (General Safety Regulation – update of UNECE regulation references in the OJ);**

The Commission presented the proposal with the integrated suggestions and requests as discussed in the 52<sup>nd</sup> meeting, as appropriate. It was further suggested that the entry into force date in Article 5 should reflect the common date of application of 1 July 2016. IT, CZK and ES were in favour of a later application date (1 December 2016) whereas DE, F and UK supported 1 July 2016 as proposed by the Commission. It was further agreed to include a specific OJ reference to the published UNECE regulation No 16, as it had recently become available. The Commission confirmed that the remaining OJ references to the other UNECE regulations would also be duly incorporated by the time of adoption and publication of the draft proposal in question. TCMV then delivered a favourable opinion (with application date on 1 July 2016).

**5. Presentation of the WLTP test procedure by Commission services;**

The Commission presented the current proposal for improvement of the procedures for Conformity of Production within the new WLTP regulatory text. The proposal included improvements in frequency requirements, obligations of manufacturers, as well as clarifying specifications. The main changes had to be made as a direct consequence of the new WLTP testing rules. The Commission asked MS for input, with emphasis on the proposed minimum frequency of testing, on the proposed evolution factor for CO<sub>2</sub> and on the statistical method prepared by the NL in Appendix 1 by the end of January.

The NL representative welcomes the improvements and is happy that the Commission accepted many of the proposals made by the NL. They would like to see the addition of minimum requirements for audits to be made by the TAA, set as once every two years. They also offered to submit to the Commission the data collected during their fuel consumption monitoring programme, which suggest that an even stricter EC for CO<sub>2</sub> would be correct. The Dutch data suggest that an improvement of 0.5% is achieved by petrol vehicles while for diesel vehicles the same improvement is 0.1%. So an EC of 0.99 would be more appropriate for the EURO-6 vehicles. Finally, NL suggested that the data of the CoP within each manufacturer should be submitted to the Commission or another central authority.

The FR representative also welcomed the proposal and insisted that the provisions for CoP need to be strengthened as soon as possible and not wait for the update of the Type Approval Framework. They will provide written comments on the details of the proposal.

**6. Exchange of views on a draft proposal for amending Commission Implementing Regulation (EU) No 901/2014 with regard to the administrative requirements implementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to the administrative requirements for the approval and market surveillance of two- or three-wheel vehicles and quadricycles;**

The Commission services presented the most relevant amendments in comparison with the text published in the Official Journal. DK indicated that the new amendment of explanatory note (9) of Annex IV related to entry 1.8 of the CoC was not satisfactory as it could create a loophole for certain vehicles (e.g. mopeds with a design similar to cycles designed to pedal) which would not have to complete neither entry 1.8. nor 3.9.3 and would, therefore, avoid stating the vehicle maximum design speed in the CoC. In addition, the NL stated that they would like to add in Annex VIII the design values declared by the manufacturer for the environmental performance of the vehicle in order to be able to compare them with the results of the tests in alignment with the last amendments introduced for the energy efficiency of the vehicle. The Commission services replied that they will assess both comments and that its possible inclusion in the next draft of the text to be presented in the TCMV of February 2016.

**7. Exchange of views on the approval of vehicles equipped with an automatic steering function operating at a speed above 10 km/h;**

TCMV had an exchange of views on the recent type-approval granted by NL in accordance with UNECE Regulation 79 to a TESLA vehicle type having a so called “ auto lane change function”. NL clarified that for this function, the driver was at the initiative of the lane change, was always in control of the vehicle during the lane change and had to always keep his hands on the driving wheel during the manoeuvre.

The NL representative explained the legal reasoning supporting the approval granted in accordance with Regulation 79: The lane change function cannot be considered as a complex electronic system because there is no hierarchy of control for this function. Therefore it is not considered as an automatically steering function (ACSF) and the current limit of 10 km/h for ACSF does not apply. A number of Member States (F, DE, DK, SE) considered that this function could be considered as an automatically steering function (ACSF) and considered that an Article 20 was needed for such “auto lane change function”.

The DE representative recalled their Article 20 request for a similar system was also on the agenda of this TCMV and recalled the ongoing work in the ASCF informal group in Geneva to amend Regulation 79. NL stated that it would be supportive of Art 20 procedure pending the finalization of the ASCF work in Geneva for systems not in line with the current version of Regulation 79 whereas the UK wondered whether Art 20 was appropriate for such technologies and whether the ACSF should not be refocused on upcoming systems (ACSF ‘category C’) like the ones presented today instead of the most advanced systems (ACSF ‘category E’).



SE and DK considered that the issue of software updates should also be addressed by type-approval authorities.

The NL representative invited the TCMV to a meeting in the Netherlands on 8 January 2016 to further discuss the approval granted to Tesla and to receive more information on the vehicle concerned.

The Chair concluded that the matter would be discussed again at the next TAAEG meeting. The Art 20 request from Germany will be considered in details at the next TCMV. Interested experts were invited to take part of the meeting proposed by NL on 8 January 2016.

## **8. Discussion on the updated Commission draft proposal for the amendments to Regulation (EU) 582/2011;**

The Commission services presented the latest version of the proposal and informed the Member States about the intention to launch inter-service consultation after the TCMV meeting. Representative of NL raised several points including the date of publication/entry into force of the new legislation (proposing earlier introduction of the new requirements), stringency of the demonstration procedure (opting for a less stringent demonstration requirements for paraffinic fuels) and the provisions related to the power threshold. DK representative inquired about the application of the new requirements to the vehicles already type-approved. The Commission services explained the proposal will be published without delay after the adoption but most of the requirements will apply only after 6 months after publication. Only new type-approvals will be covered in order to prevent retroactivity of the legislation. In addition, the Commission services clarified that the general demonstration requirements (applying to any fuel for which an engine can be certified) are stringent because they need to take into consideration worst case scenario. It could be envisaged, however, that for specific fuels (ex. paraffinic fuels) those requirements could be revised.

## **9. RDE legislation – next steps**

The Commission services presented a document on the further work on the RDE legislation (assuming that the 2<sup>nd</sup> regulatory RDE package will not be rejected by the EP), notably the preparation of the 3<sup>rd</sup> and 4<sup>th</sup> package (available on Circabc). Member States welcomed this document and emphasised that the Commission services should regularly and timely report back to the TCMV.

## **10. AOB**

- Documents on Circabc

The representative of Romania, while understanding of the current situation and the efforts of the Commission, requested that all relevant proposals and documents are uploaded in Circabc at least 5 days before the TCMV meetings in order to enable the national authorities to examine the documents. The Chairwoman noted the remark and assured that the Commission will make all efforts to publish documents on time.

- MAC Directive

The NL representative requested more information on the recent news on the Mobile Air Conditioning (MAC) Directive. The Chairwoman explained that the European Commission has decided to refer Germany to the Court of Justice over the failure to apply the MAC Directive. The Commission alleges that Germany has allowed a car manufacturer to place automobile vehicles on the EU market that were not in conformity with the MAC Directive, and has failed to take remedial action.

- Revision of the Type-approval framework

The DE representative requested an update on the revision of the type-approval framework. The Commission informed that the proposal for revision of the type-approval Directive is at its final stages. The draft revision proposal will be tabled for adoption at the beginning of 2016.

## ANNEX I

### ATTENDANCE LIST 53RD TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 16 DECEMBER 2015

#### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh Ms A. Vereecken Mr O. Brahy	SPF Mobilité et Transports MOW Vlaanderen Environment Belgium
<b>BG</b>	Mr K. Tomov	Permanent Representation of Bulgaria
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
<b>DK</b>	Mr M. Spang-Hanssen	Danish Transport and Construction Agency
<b>DE</b>	Mr P. Jennerjahn	Federal Motor Transport Authority (KBA)
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>	Mr J. Kilroy	Road Safety Authority
<b>EL</b>		Absent
<b>ES</b>	Mr J. P. Laguna Gomez Mr J.L. Garcia Garcia	Ministerio de Industria, Energía y Turismo Ministerio de Industria, Energia y Turismo
<b>FR</b>	Mr P. Castaing Mr P. Bazzucchi	UTAC ERAM Min. Ecologie, Energie, Développement durable
<b>HR</b>	Mr B. Gorup	State Office for Metrology
<b>IT</b>	Mr A. Erario	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>	Mr A. Abolins	Road Traffic Safety Directorate
<b>LT</b>		Absent
<b>LU</b>	Mr R. Lamberty Mr P. Diederich	Société Nationale de Certification et d'Homologation Société Nationale de Certification et d'Homologation

<b>HU</b>	Mr L. Bády Mr K. Uhlik	KTI Institute for Transport Sciences KTI Institute for Transport Sciences
<b>MT</b>	Mr M. Xuereb	Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr A. Rijnders Mr T. Guiting	RDW (Vehicle Technology and Info Centre) RDW
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Transportation Technical Supervision
<b>PT</b>	Mr L. Paulo	Institute for Mobility and Transport
<b>RO</b>	Mr. C. Uta	Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>		Absent
<b>FI</b>		Absent
<b>SE</b>	Mr A. Gunneriusson Mr P. Öhlund	Swedish Transport Agency Swedish Transport Agency
<b>UK</b>	Mr D. Kay	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration

**COMMISSION**

<b>DG GROW/C/4</b>	Ms J. Szychowska – Chair Ms P. Dilara Mr L. Escobar Mr P. Broertjes Mr K. Steininger Mr M. Szymanski Ms S. Pörsti-Rönnerberg Ms M. Teles Romao Mr A. Lagrange Mr E. Sanchez Galindo Ms K. Karanikolova
<b>DG ENV/C/3</b>	Mr Z. Kregar
<b>DG CLIMA/C/2</b>	Ms G. S. Lindvall

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 21 March 2016  
GROW/C4 – CM -

**MINUTES OF THE  
54TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

\*\*\*\*\*

**HELD IN BRUSSELS  
ON  
28 JANUARY 2016**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 53rd meeting held on the 16 December 2016;**

The comments from DE and NL were taken on board. The minutes were then approved.

**4. Exchange of views with respect to the preparation for the UNECE WP29 session of 7-11 March 2016:**

- a. Information from the Commission on the position to be taken by the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos 10, 34, 41, 46, 48, 50, 51, 53, 55, 60, 73, 83, 94, 107, 110, 113, 118, 125, 128, 130 and 131 and the proposal for a new Regulation concerning the approval of quiet road transport vehicles (QRTV) (mega decision);

**The EC representative** presented the mega decision for the preparation of the WP29 meeting 07 – 11 March 2016. He reported that next steps are EC adoption on 12 Feb 16, Coreper on 26 Feb 16 and Council adoption on 4 Mar 16, right ahead of the vote in WP29.

**The DE representative** declared not to agree with the amendment proposal for Supplement 16 to the 04 series of amendments to Regulation No. 48, as DE considers the issue at stake not to be ready for adoption yet.

**The FR and ES representative** admitted that discussions at the corresponding Working Party on Lighting and Light-Signalling (GRE) had been difficult and lengthy on that issue, but that eventually the GRE agreed to adopt the proposal in ECE/TRANS/WP.29/GRE/2015/21 and to submit it to the March 2016 session of WP.29 for a final decision. Both representatives therefore urged the Commission to keep this line.

- b. AOB – including information points by GR-chairmen.

**5. Consideration of an application from Germany for an exemption in accordance with Article 20 of Directive 2007/46/EC for a vehicle equipped with an automatic lane change assist system;**

TCMV recalled the discussion of the meeting of 16 December 2015. The NL representative reported on the technical meeting held in the Netherlands on 8 January 2016 to further discuss the approval granted to Tesla and to receive more information on the vehicle concerned. As a follow up of this meeting, UK, FR, SE and DE as well as the commission

services confirmed that they could not agree with the NL interpretation of the current Regulation 79 and that the approval granted by Tesla needed an Article 20 procedure.

DE presented the request for an Article 20 derogation for a vehicle equipped with an automatic lane change assist system. FR and UK wondered why this system was not limited at a maximum speed of 130 km/h as foreseen in the draft amendment to regulation 79 currently being discussed in Geneva. RO wondered whether the system was in line with the 1968 Vienna convention on road traffic. DE clarified that 130 km/h limit proposed in Geneva was for most advanced systems (“category E”- fully automated lane change with no input needed from the driver) whereas in the present case the driver always has to monitor the environment and initiate the lane change (“category C” in the draft new Regulation 79) and is therefore fully in control of the vehicle as requested by the Vienna convention.

After a tour de table, the Chair noted the general support from TCMV to go forward with this Article 20 request for a vote at the next TCMV or by written procedure.

## **6. State of play on the development of the WLTP test procedure by Commission services;**

The Commission informed the TCMV participants that the EU-WLTP and all related Task Forces will finish their work within February and then the text will be finalised and uploaded in CIRCABC for the TCMV to scrutinise the proposal. The final texts are expected to be voted in their English version, since the translations of such big documents are expected to take several months and that would delay unduly the process of adoption.

RO proposed to use for WLTP Regulation the same timetable as for RDE Regulation (01.09.2019 for the first registration instead of 01.09.2018), being unreasonable to apply a change of the emissions requirements after only one year; RO expressed also its preference for an unlimited validity of the existing durability test (type 5 test) instead of 5 years validity as proposed by the Commission.

The Commission also requested comments on the new proposal on new Conformity of Production rules.

## **7. AOB**

The Commission informed the participants that the new methodology for testing evaporative emissions should undergo Interservice Consultation and will be ready for vote in an upcoming meeting.

At the request of Spain, the Commission reported on the GEAR 2030 high level group. This group is the successor of CARS2020 and gathers the main stakeholders at CEO level, Ministers and Commissioners. The first meeting took place on 19 January 2016. It is established for 2 years. It will discuss important issues for the automotive sector for 2030, i.e. changes in the value chain, automation and globalization. Further details on the meeting of the group may be found at the following address:

<https://circabc.europa.eu/w/browse/5db96d01-27d7-4e0c-b0fa-5b8b90816446>

The Commission also reported on the proposal for a new regulation on type-approval repealing Directive 2007/46/EC adopted by the Commission on 27 January 2016. This



proposal will now be discussed in the Council and in the Parliament. The Commission services announced that a presentation of the text would be made at the next meeting of the Type-approval Expert group (TAAEG) and the Motor Vehicle Working group (MVWG). More information on the proposal may be found at the following address:

[http://ec.europa.eu/growth/sectors/automotive/technical-harmonisation/eu/index\\_en.htm](http://ec.europa.eu/growth/sectors/automotive/technical-harmonisation/eu/index_en.htm)

## ANNEX I

### ATTENDANCE LIST 54<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 16 DECEMBER 2015

#### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh Mr O. Brahy	SPF Mobilité et Transports Environnement Belgium
<b>BG</b>		Absent
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
<b>DK</b>		Absent
<b>DE</b>	Mr S. Paeslack	Federal Motor Transport Authority (KBA)
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>	Mr J. Kilroy	Road Safety Authority
<b>EL</b>		Absent
<b>ES</b>	Mr J. P. Laguna Gomez	Ministerio de Industria, Energía y Turismo
<b>FR</b>	Mr P. Castaing Ms M. Molina Mr S. Verger	UTAC ERAM Ministère de l'Environnement, de l'Énergie et de la mer Ministère de l'Environnement, de l'Énergie et de la mer
<b>HR</b>	Mr B. Gorup	State Office for Metrology
<b>IT</b>	Mr L; Rocco	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>	Mr A. Abolins	Road Traffic Safety Directorate
<b>LT</b>		Absent
<b>LU</b>	Mr R. Lamberty Mr P. Philippe	Société Nationale de Certification et d'Homologation Ministère du Développement durable et des Infrastructures

<b>HU</b>	Mr L. Bády Mr K. Uhlik	KTI Institute for Transport Sciences KTI Institute for Transport Sciences
<b>MT</b>	Mr M. Xuereb	Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr A. Rijnders Mr J. Stokreef	RDW (Vehicle Technology and Info Centre) RDW
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Transportation Technical Supervision
<b>PT</b>	Mr L. Paulo	Institute for Mobility and Transport
<b>RO</b>	Mr C. Uta	Romanian Automotive Register
<b>SI</b>	Mr J. Javorčík	Ministry of Transport of the Slovak Republic
<b>SK</b>		Absent
<b>FI</b>	Mr. E. Asplund	Finnish Transport Safety Agency
<b>SE</b>	Mr H. Noren	Swedish Transport Agency
<b>UK</b>	Mr M. Lowe	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration
<b>COMMISSION</b>		
<b>DG GROW/C/4</b>	Ms J. Szychowska – Chair Ms P. Dilara Mr K. Steininger Mr A. Lagrange Mr P. Troppmann	
<b>DG RTD/H/2</b>	Mr M. Maggiore	

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 21 April 2016  
GROW/C4 – CM -

**MINUTES OF THE  
55TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

\*\*\*\*\*

**HELD IN BRUSSELS  
ON  
15 MARCH 2016**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 54th meeting held on the 28 January 2016;**

The comments from RO were taken on board. The minutes were then approved.

**4. Exchange of views and possible final examination and delivery of opinion on Draft Commission Implementing Decision authorising Germany to grant EU type-approval of L3e category vehicle types fitted with an emergency stop signal;**

The Commission representative introduced the request of DE for a derogation to permit type-approval under L-category Framework Regulation (EU) No 168/2013 of several types of motorcycles concerning the fitment of a stop lamp with innovative technology. The stop lamp blinks rapidly under strong braking conditions; however, this technology is currently still incompatible with the applicable legislative provisions for lighting installation on motorcycles. He also recalled that a similar request under the old Framework Directive 2002/24/EC was already granted, namely by Commission Implementing Decision C(2015)3953 of 15 June 2015. He explained that the inter-service consultation procedure was not yet finished and that final examination would take place at the next session, possibly on a slightly revised draft text pending input from other DGs. No concerns of substance were raised by Member State delegates.

**5. Draft Commission Implementing Decision submitted for possible final examination and delivery of opinion authorising Germany to grant EU type-approval in accordance with Article 20 of Directive 2007/46/EC;**

Recalling the discussion of the last TCMV meeting, the Commission representative informed TCMV, that due to the still on-going internal consultation process, the text could not be voted at this session. It was proposed to vote at a later stage through written procedure. The Chair noted the general support for the draft decision and for the way forward.

**6. Draft proposal submitted for final examination and delivery of opinion on a Commission Regulation amending Regulation (EU) No 582/2011 of the European Parliament and of the Council;**

The Commission representative presented changes to the Commission proposal, which have taken place after last discussion in December. A thorough explanation has been provided for each of them. The Commission representative referred to 3 points of the proposal which were the most controversial ones: retroactive application of the requirements, possible multiplication of the Euro steps and the provisions for paraffinic fuels. A new recital has been proposed to even better explain the principles of the approval of the engines and vehicles after the entry into force of new requirements (no retroactive application). As far as the second point is concerned, the Commission representative remained open for addressing

this issue in the proposal. For the paraffinic fuels, it has been explained that since no commonly acceptable solution could be found, the issue of the paraffinic fuels needs further discussion and cannot be addressed in this legislative package.

After the presentation, several comments to the proposal were made by the Member State representatives. IT raised the issue of retroactive application of the new provisions, a need for an alignment of the Euro steps and resulting from it a request to postpone the introduction of the changes to Annex II to 2018/2019. NL requested the inclusion on the provisions for an easier certification of the engines with paraffinic fuels, adding a clause on a minimum number of valid windows in urban operations and a clause on the OBD compliance. ES supported the position of IT in respect to postponing the introduction of the amendments to Annex II to 2018/2019 and requested postponing the vote to the next TCMV session. FR supported the Commission proposal and called for a swift introduction of the package. AUT suggested raising the average speed of vehicles of category N1 and M1 in motorway operations to 110 km/h. SE supported the Commission proposal and expressed its sympathy for the NL proposal in the area of paraffinic fuels. RO indicated the need to align the Euro steps to the extent possible. DE supported the Commission proposal and the NL comments on the minimum number of valid windows and OBD compliance. UK supported the Commission proposal including the proposed approach for paraffinic fuels.

The Commission representative provided comments to the points raised. As regards a need to avoid a retroactive application of the requirements, a new drafting of the dedicated recital has been proposed. For the alignment of the Euro steps, the Commission representative objected postponing the introduction of the requirements in Annex II to 2018/2019 and proposed to postpone the entry into force of the new requirements on power threshold by 8 months in order to accommodate a testing procedure for the measurement of the particulate matter. Regarding paraffinic fuels, it has been suggested to continue the discussion outside this package. Since no straightforward solution can be anticipated, those discussions would not be finalised in the nearest future putting at risk the adoption of the measures which have been agreed and which are widely considered to be beneficial. The Commission services agreed to include the provisions on the minimum number of valid windows and the OBD compliance as suggested by NL.

The BE, BG, CZ, DE, EE, EL, ES, FR, IT, LU, HU, MT, AT, PL, RO, SK, FI, SV and UK representatives expressed a positive opinion on the Commission proposal including (a) a shift of the introduction date for the power threshold requirement to 1 September 2018 for new types and to 1 September 2019 for all new vehicles; (b) new wording of recital 11; (c) additional provision on the minimum number of valid windows in urban operations and (d) requirement on the OBD compliance. NL objected the proposal.

**7. Exchange of views on a draft proposal for amending Commission Implementing Regulation (EU) No 901/2014 with regard to the administrative requirements implementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to the administrative requirements for the approval and market surveillance of two- or three-wheel vehicles and quadricycles;**

The Commission representative presented the timeline for the adoption of the amendments to the L-cat legislative framework and the latest amendments introduced in the V4 of the draft proposal since V3 was presented in the MS Expert meeting of 28 January 2016. Concerning

the timeline, he explained that the corrigenda of Regulation (EU) No 168/2013 had already been adopted by the European Parliament and the Council and would be published by mid-April. More substantive amendments would be proposed by the Commission by the first quarter 2018 in order to extend the power conferred to the Commission to adopt delegated acts and to update the text in accordance with the results of some ongoing studies (e.g. noise and environmental effect study). Regarding the acts amending the delegated and implementing acts, he indicated that the adoption procedure is currently quite advanced and that the translations will be launched very soon in order to publish both texts in the OJ by August 2016.

With regard to V4 of the draft proposal, he indicated that additional system type-approvals agreed with FR on a bilateral meeting were included. It is expected that these new system type-approvals will reduce the burden on manufacturers (especially those of L6e and L7e vehicles, who are mainly SMEs, as most of these new systems are specifically related with the design of these vehicles). Therefore, seven new appendices were added to Annex I allowing the type-approval of these systems. He also indicated that, as requested by ACEM, specific rounding provisions had been added for the units of measure to be stated in the CoC in order to avoid any misunderstanding with the national registration authorities, especially those employing IT systems for the purpose of registering the CoC information. Finally, he replied to two questions asked at the previous TCMV, by both DK and NL, and was open to amending the text to address DK's concern, if needed.

The FR and DE representatives thanked the Commission for this new draft and indicated that the codification of the numbering system of EU type-approval certificates still needs to incorporate the new systems. The Commission representative replied that this had already been noticed by the AT representative and that an updated version 4.1. of the draft proposal had already been uploaded to CIRCABC, including the requested amendment of this numbering system.

Without any further comments, the Chair concluded this point and asked that comments be submitted, in writing, by 25 March.

**8. Exchange of views on a draft proposal for Commission Implementing Regulation with regard to the administrative requirements and procedure for EC type-approval of vehicles in respect to the installation of 112-based eCall in-vehicle systems, as well as for EC type-approval of 112-based eCall in-vehicle system components and STUs;**

The Commission representative presented the second draft of the implementing act and explained the changes made in the text. Information was also provided on the timeline for the adoption of the act.

The FR and RO representatives asked for further clarifications what data is covered by the provision of Article 5 (1) and questioned whether the provisions of that Article would not go beyond the empowerment for the implementing measure.

The Commission representative explained that Article 5 of the draft reflects the provisions of Article 6 of Regulation (EU) 2015/758 and does not set any additional requirements or obligations for the manufacturers. The provision of Article 5(1) covers the data recorded in



the internal memory of the system, which is part of the minimum set of data (MSD) as defined in Article 3(6) of Regulation (EU) 2015/758.

The Commission services will launch inter-service consultations on the draft as soon as possible and will present the draft implementing act for vote probably at the TCMV meeting scheduled on 12 May 2016.

**9. Discussion on the Commission draft proposal for the CO<sub>2</sub> certification of heavy-duty vehicles;**

The Commission representative explained principles of the certification procedure for the CO<sub>2</sub> emissions and fuel consumption of heavy-duty vehicles and explained the work which is currently on-going. A first draft of the procedure has been presented and explained. In addition, the Commission representative provided additional information about the possible measures which would ensure robustness of the procedure. Four questions have been posted to the Member States in relation to the development of the procedure.

The UK requested that the procedure is robust and gives a possibility to correctly assess and verify the performance of the heavy-duty vehicles. RO inquired about the time table.

Responding to the issues raised, the Commission representative shared the opinion of the need to have a robust and accurate certification procedure and indicated that the adoption of the proposal is envisaged for the second half of 2016.

**10. Discussion on proposal for Regulation XXX/2016 on WLTP implementing measures and related changes to Directive 2007/46/EC;**

Many participants thanked the Commission for the large amount of work that went into finalising the draft of this very complex piece of legislation.

The discussion proceeded on Article 2(1). The RO representative suggested a meeting with Member States and industry and stated that they believe that type is too linked with CO<sub>2</sub> and not too much with pollutants. The FR representative stated that they will have a closer look at the proposal and come back with written statements. To avoid past problems, the FR representative suggested strengthening the last sentence about non-negligible influence in the definition of emission types. DE agreed with FR on the need to make the definition of emission types more robust. The Commission representative invited the Member States to propose alternate wording and invited RO to participate actively in the EU-WLTP group.

The discussion then focused on Article 15 (i.e. transitional provisions). DE said that WLTP should be implemented as soon as possible. DE supported the Commission proposal, and also agreed on transitional provisions. FR declared they generally support the text to be implemented as soon as possible (2017 for new types, while there is still a need of a decision in France about the second date). The NL supported the Commission proposal, which needs to come in force as soon as possible. ES could not give a detailed opinion, but would deliver it in a few days. The UK also saw a need to introduce the proposal as soon as possible. UK will send a written comment. RO would like the date to be 1 September 2019 instead of 2018 and they also see inconsistency between RDE to WLTP.

The Commission representative informed the MS delegates that from a technical point of view there is no need to introduce changes to vehicles for WLTP. Consequently there is no need to provide more lead time. Also, the numbering system will be completely different, so that no confusion is created on the cycle used to get the type approval.

The Commission representative presented the new items included in the new conformity of production rules, which were made stricter and more defined. The MS asked for some changes on the wording of the conclusions of the analysis of studies in the accompanying document to the proposal. Romania asked on the frequency (1/5000 vehicles per family per year). The Commission representative replied that the number is based on some first information but has asked for input from the industry and the MS. At first view, the number seems to be reasonable since there was no strong objection from the side of the industry.

The Commission representative clarified that the final WLTP will also include RDE, and the new evaporative procedure.

#### **11. Amendments to Regulation (EC) No 692/2008 and WLTP On Determination of evaporative emissions;**

The main changes to the proposal were highlighted. The 40% tank fill level to the previous 20% was made because the data received from the industry up to now was inconclusive. The other remaining issue is that no data was received from the tank producers in order to set up assigned permeability factors.

FR, IT, RO, SE and DE welcomed the improvements and asked about the compatibility of this work with the parallel process going on in the WLTP Task Force and whether it is not more apt to wait till the UNECE work is finished. The Commission representative replied that it is very active on the WLTP Task Force and is happy that the proposal is based on the new EU proposal. It is therefore important that the EU proposal is voted upon as soon as possible in order to provide the Commission with a strong position in the negotiation. Some changes might be needed but they will have to be introduced as soon as they are known in the UNECE process. The GTR text is expected to be ready for vote by GRPE in January 2017.

RO asked for a clarification for the dates of application. The Commission representative replied that only a single introduction date is foreseen leaving manufacturers 3 years of time to change the carbon canisters and fuel tanks (if need be).

#### **12. AOB**

Recalling the discussion at the last TCMV meeting on the approval granted by NL to TESLA, DE asked for the state of play for this file. The Commission representative informed TCMV that at the request of the Commission, NL had submitted detailed written comments at the beginning of March 2016 on the approval granted and that the Commission was studying the comments received for a possible legal follow-up by the Commission.

# ANNEX I

## ATTENDANCE LIST 55<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 15 MARCH 2016

### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh Mr O. Brahy Ms A. Vereecken	SPF Mobilité et Transports Environment Belgium Departement Mobiliteit & Openbare Werken
<b>BG</b>	Ms M. Atanasova	Road Transport Administration
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
<b>DK</b>		Absent represented by Sweden
<b>DE</b>	Mr P. Jennerjahn Mr O. Klökner Mr S. Redmann Mr M. Bänsch Mr O. Eberhardt	Federal Motor Transport Authority (KBA) Federal Ministry of Transport and Digital Infrastructure Federal Ministry of Transport and Digital Infrastructure Federal Ministry of Transport and Digital Infrastructure Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety.
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>		Absent represented by the UK
<b>EL</b>	Mr N. Mantzaris	Permanent Representation of Greece
<b>ES</b>	Mr J. P. Laguna Gomez Mr J.L. Garcia Garcia	Ministerio de Industria, Energía y Turismo Ministerio de Industria, Energía y Turismo
<b>FR</b>	Mr P. Castaing Ms M. Molina Mr P. Bazzucchi	UTAC ERAM Ministère de l'Environnement, de l'Énergie et de la mer Ministère de l'Environnement, de l'Énergie et de la mer
<b>HR</b>		Absent
<b>IT</b>	Mr L. Rocco	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>		Absent
<b>LT</b>		Absent

<b>LU</b>	Mr R. Lamberty	Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr L. Bády Mr K. Uhlík	KTI Institute for Transport Sciences KTI Institute for Transport Sciences
<b>MT</b>	Mr M. Xuereb	Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr A. Rijnders Mr T. Guiting Mr G. van Grootveld	RDW (Vehicle Technology and Info Centre) RDW RDW
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Transportation Technical Supervision
<b>PT</b>	Mr L. Paulo	Institute for Mobility and Transport
<b>RO</b>	Mr C. Uta	Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>	Mr M. Hudec	Ministry of Transport, Construction and Regional Development
<b>FI</b>	Mr. K. Kuikka	Finnish Transport Safety Agency
<b>SE</b>	Mr P. Ohlund	Swedish Transport Agency
<b>UK</b>	Mr A. Burrows	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration

**COMMISSION**

<b>DG GROW/C/4</b>	Ms J. Szychowska – Chair Ms P. Dilara Mr K. Steininger Mr A. Lagrange Mr M. Szymanski Ms M. Teles Romao Ms E. Stoyanova Mr. P. Broertjes Mr. E. Sanchez Galindo Mr M. Maggiore
<b>DG RTD/H/2</b>	

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

**MINUTES**  
**56TH TCMV MEETING**

Brussels, 13 May 2016  
GROW/C4 – CM -

**MINUTES OF THE  
56TH MEETING OF THE "TECHNICAL COMMITTEE - MOTOR  
VEHICLES' (TCMV)"**

**\*\*\*\*\***

**HELD IN BRUSSELS  
ON  
21 APRIL 2016**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 55th meeting held on the 15 March 2016;**

The minutes were approved. DK is supportive of the proposal submitted for final examination and delivery of opinion (point 6 on the agenda 55<sup>th</sup> TCMV meeting) although for organisational reasons DK was registered as having abstained from voting.

**4. Draft Commission Regulation amending Commission Regulation (EC) No 692/2008 as regards the methodology for the determination of evaporative emissions (Type 4 test) and the standardized access to automotive repair and maintenance information;**

The Chair explained that two Evaporative procedures will be proposed; the current one relevant for the NEDC and a new one on the WLTP. The one for the WLTP will include all items on which an agreement is reached in time within the WLTP EVAP Task Force, after its meeting on the 26<sup>th</sup> April in Paris.

The Commission representative explained that the current proposal has not changed since the last meeting. However the Commission has received a proposal from the side of the tank manufacturers on the Assigned Permeability Factors (APF) but that proposal contains an APF only for multilayer tanks and not for monolayer ones. It is the intention of the Commission to discuss this issue in a web conference with the expert group in order to reach a decision. The decision is in no way critical for the EVAP proposal, but it alleviates the burden of the manufacturers to test such tanks for each system.

The ES representative asked for clarification of the cycles for preconditioning drive and for the temperature cycling for carbon canisters. Explanations were given and a new formulation of the text, especially for the second point, will be elaborated by the Commission.

The RO representative noted that the title should be changed to include reference to Regulation 715(2007) in order to reflect Article 1. The Commission representative thanked him for pointing this out and will change the title accordingly.

The SE representative thanked the Commission for working on this proposal and asked whether the changes in the WLTP phase 2 will be taken into account. The Commission representative explained all the current discussion points within the WLTP phase 2 and that any feasible decisions in the WLTP EVAP Task Force are technically equivalent to the current EU proposal. The points where the Commission intends to stick to its position are a) the preconditioning cycles, where emphasis should be placed on the Low WLTC cycle (so LMHL), because we need to push for more aggressive urban purging strategies and b) the calculation formula for the limit.

The DE representative also thanked the Commission and stated that although the evaporative emissions are not a high priority for Germany, they are ready to support the new procedure in the TCMV and also in GRPE. He requested further clarification about the use of fuels, hoping that E10 is used. The Commission representative explained that the issue of fuels is a critical one and they proposed to harmonise the important properties of the fuels in regards to the

evaporative emissions. The E10 fuel will be mandated, but other regional fuel options might be introduced, such as an E0 fuel for certain vehicles in Japan. The DE representative considered the approach a good one.

**5. Implementation of Directive 2006/40/EC on Mobile Air-Conditioning (MAC) – information by the Commission;**

Following up on the note of the TCMV Chair on application of Directive 2006/40/EC on mobile air-conditioning (MAC Directive), circulated on 14 April, the Commission representative reminded the TCMV Members that, from 1 January 2017, the 3<sup>rd</sup> and last phase of the gradual ban on the use of fluorinated greenhouse gases with a high GWP, namely the commonly used refrigerant R134a, in MAC systems will be implemented.

Given the specificities of this Directive, and in special the very long phase-in period for its implementation and the past difficulties in its enforcement, the Commission representative invited the Member States to give special attention to this issue and to ensure that the Directive is correctly implemented from 1 January 2017.

**6. Discussion on proposal for Regulation XXX/2016 on WLTP implementing measures and related changes to Directive 2007/46/EC.**

The Commission representative presented the revised legal text.

The attention was, in particular, drawn to a revision of the emission type definition referring now to "types and sequences of pollution control devices", which are defined in Article 2(8) of Regulation (EC) 692/2008.

The FR representative requested a more robust definition for "characteristics that have a non-negligible influence on tailpipe emissions", e.g. by a link to a quantitative margin for the deviation of criteria pollutant emissions of vehicles being part of the same emission type.

The Commission representative mentioned that the information described in Article 5(11)(c) should not be confidential, in order to allow for the independent repetition of the WLTP testing.

The transitional provisions in Article 15, which had been redrafted entirely with respect to the previous version, were presented and discussed without particular comments from the participants.

The ES representative, supported by DE, requested to remove the definition and anti-tampering requirements for odometers, since emission legislation would not be the "right place to do so". The Commission representative explained that the odometer information is of importance for proper OBD records, which are in turn a necessary precondition for using OBD at periodic technical inspections (PTIs). This argument was accepted by the DE representative, the ES representative however insisted that then the anti-tampering provisions should not relate to the odometer readings but to the mileage information stored in the OBD records (and a respective text proposal was received from ES in the meantime).

Concerning the entry into force of the WLTP in the European legislation the ES representative proposed to align it with the RDE, which would mean postponing the enforcement of the WLTP for all new vehicles to 1<sup>st</sup> September 2019. The IT representative supported this proposal.

The HU representative highlighted a typo in Art. 17 and this will be corrected.



The NL representative pointed out that the repeal of Regulation 692/2008 is not sufficient alone if not complemented by a similar reference to UNECE R83. This comment and the subsequent request to the Commission to find a solution for this potential loophole were shared and supported by several MS.

The Commission representative replied that they saw no problem with the dates, thanked the NL representative for the important point regarding UNECE Regulation 83 and declared that a solution for this exists, i.e. the EU might need to temporarily withdraw from that UNECE Regulation. If so, this must be handled well and will need to be discussed with the legal service and the MS. In reply to concerns raised by the RO and IT representatives, the Commission representative explained that the EU withdrawing from UNECE Regulation 83 would not send a bad signal and that there would be no negative political consequences if it is done correctly.

The DE representative voiced support for the Commission proposal regarding the dates of entry into force of the WLTP and declared that their TAA are getting ready for this calendar. The FR and UK representatives also showed their support for the timing set out in the Commission proposal as did the SE and NL representatives. The RO representative supported the ES and IT representatives' point of view.

The RO representative raised the issue of the CoP evaluation factor for CO<sub>2</sub>. He recalled that the initial proposal of the Commission was 0.97 (compared to 0.92 as it is today), after which this value was change to 0.99 without discussions in TCMV and based on studies, which are contradictory according to RO opinion. RO sustains the initial proposal of the Commission (0,97). The Commission representative mentioned that the TCMV was informed several times about the possible change of this parameter and agreed to reassess RO's view for the next version of the proposal.

The Commission representative concluded that comments in writing by the Member States who did not provide opinions in the TCMV meeting would be welcomed and that the intention of the Commission would be to submit the text for vote at the next meeting.

## **7. AOB**

The Commission representative explained the main points of the 3<sup>rd</sup> and 4<sup>th</sup> regulatory packages for RDE and the related timing.

# ANNEX I

## ATTENDANCE LIST 56<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 21 APRIL 2016

### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh Mr O. Brahy Ms A. Vereecken	SPF Mobilité et Transports Environment Belgium Departement Mobiliteit & Openbare Werken
<b>BG</b>	Mr I. Slaveykov	Road Transport Administration
<b>CZ</b>		Absent
<b>DK</b>		Absent
<b>DE</b>	Mr M. Bänsch Mr O. Eberhardt	Federal Ministry of Transport and Digital Infrastructure Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety.
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>		Absent
<b>EL</b>		Absent
<b>ES</b>	Mr J. P. Laguna Gomez	Ministerio de Industria, Energía y Turismo
<b>FR</b>	Mr P. Castaing Mr P. Bazzucchi	UTAC ERAM Ministère de l'Environnement, de l'Énergie et de la mer
<b>HR</b>		Absent
<b>IT</b>	Mr L. Rocco	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>		Absent
<b>LT</b>		Absent
<b>LU</b>	Mr R. Lamberty	Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr K. Uhlik	KTI Institute for Transport Sciences

<b>MT</b>	Mr M. Gauci	Permanent Representation of Malta
<b>NL</b>	Mr A. Rijnders Mr G. van Grootveld	RDW (Vehicle Technology and Info Centre) RDW
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>		Absent
<b>PT</b>	Mr L. Paulo	Institute for Mobility and Transport
<b>RO</b>	Mr C. Uta	Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>		Absent
<b>FI</b>	Mr. K. Kuikka	Finnish Transport Safety Agency
<b>SE</b>	Mr P. Öhlund	Swedish Transport Agency
<b>UK</b>	Mr A. Burrows	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration
<b>COMMISSION</b>		
<b>DG GROW/C/4</b>	Ms B. Bonvissuto – Chair Ms P. Dilara Mr K. Steininger Ms M. Teles Romao Mr E. Sanchez Galindo Mr A. Marotta Ms A. SA Carvalho	
<b>DG RTD/H/2</b>	Mr M. Maggiore	

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

**MINUTES**  
**57TH TCMV MEETING**

Brussels, 25 July 2016  
GROW/C4 – CM -

**MINUTES OF THE**  
**57TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR**  
**VEHICLES’ (TCMV)**

\*\*\*\*\*

**HELD IN BRUSSELS**  
**ON**  
**12 MAY 2016**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 56th meeting held on the 21 April 2016;**

The DK representative requested that the minutes reflect the fact that DK is supportive of the proposal submitted for final examination and delivery of opinion (point 6 on the agenda 55<sup>th</sup> TCMV meeting) although for organisational reasons DK was registered as having abstained from voting. The minutes were then approved.

**4. Draft proposal submitted for final examination and delivery of opinion on Commission Regulation amending Commission Regulation (EC) No 692/2008 as regards the methodology for the determination of evaporative emissions (Type 4 test) and the standardized access to automotive repair and maintenance information;**

The Commission representative explained that an extensive consultation with the main RMI stakeholders (Vehicle manufacturers and Independent operators) had been carried out since the previous presentation of the text at the TCMV meeting of 15 March 2016; as a result of this consultation it became clear that the RMI part of the proposal was not mature enough to be proposed for voting at today's meeting and that further consultation with stakeholders and internal assessment within the Commission services would be needed in order to propose a comprehensive draft.

Some Member States (DE, NL, IT and RO) welcomed the deletion of the RMI provisions from the proposal and suggested excluding them from the amendments to emissions legislation; they supported that the Commission proposes a separate draft or, as a better solution in order to avoid duplication of work, their integration in the new proposal for Regulation on the type-approval of vehicles. In addition, DE and IT representatives requested a lead-time of 24 months for the implementation of the new standards on RMI.

Madam Chair replied that the Commission will assess the most appropriate timing and place for these amendments. Due note was taken of the request for additional lead-time for the implementation of the standards.

Following the deletion of the RMI provisions from the proposal, the Committee voted on the modified text and gave a positive opinion.

**5. Discussion on proposal for Regulation 2016/xxx on WLTP implementing measures and related changes to Directive 2007/46/EC. At the last TCMV Member States asked for more time to examine the text.**

The Commission representative explained that contrary to the intentions of the services the proposal could not be presented for vote at this TCMV due to ongoing discussions with the legal service about the architecture of the WLTP transposition and in particular the interplay

of Regulations (EC) 2016/xxx and 692/2008, both implementing the Euro 5/6 provisions of Regulation 715/2007. The initial concept of two sequential implementing Regulations was retained.

The Commission representative presented the newly drafted transitional provisions, defining the dates of application of the two implementing Regulations. No major comments have been received.

## **6. Presentation and discussion on the Commission draft proposal for the CO<sub>2</sub> and fuel consumption certification of heavy-duty vehicles;**

The Commission representative thanked the Member States which provided comments to the questions posed during the meeting in March and outlined key conclusions of the responses. The Commission representative presented a new draft of the document explaining the main changes which have been introduced in comparison to the previous version (in particular to Articles 6, 9 and 10) including the introduction of the provisions on tools for a digital protection of the documents.

The FR representative inquired about the scope of the new Regulation (completed/incomplete vehicles), burden for small garages (body builders) and the way how the results could be used by the consumers. The UK representative commented on the provisions of Article 15 and expressed his preference for an on-road test which should be included in the initial proposal. The FI representative inquired about possible flexibilities for the scope of the Regulation. The RO representative pointed out the necessary time needed for the component and vehicle manufacturers as well as a potential burden for the SMEs. The IT representative expressed concerns about the lead time. The DE representative expressed an overall support for the measure, pointed out the issue of the time necessary to perform tests and the need to establish efficient exchange of information between the approval authorities. The NL representative raised the point of numbering of the components.

The Commission representative explained that the Regulation envisages a possibility to use default values for most of the components which will eventually reduce the burden for component manufacturers. It has also been clarified that the body builders will not be obliged to perform costly tests. The Commission representative explained that a lead time of 18 months is envisaged in the Regulation, which seems to be sufficient for the parties involved. He expressed his preference for not granting too much flexibility as the objective is to have a possibly widest range of vehicles covered. Regarding the provisions of Article 15, the Commission representative explained that one could avoid it by increasing the tolerances for the ex-post verification test, which, however, is not considered to be the preferred approach. Regarding the introduction of the ex-post verification test in the initial proposal, the Commission representative explained that this test would only be needed when the certification becomes obligatory (in 2018) and it is of higher importance to adopt testing procedures for components in order to enable preparations for the certification. As far as the information to the consumers is concerned, the Commission representative explained it was one of the key considerations and that the EC will assess possible tools make an even better use of the information coming from the certification procedure.

The Commission representative reiterated that the adoption of this Regulation depends upon the conclusion of the discussions on the Euro 5/6/IV co-decision act.

**7. Exchange of views on a draft proposal for Commission Implementing Regulation (EU) No .../. of XXX implementing Regulation (EU) 2016/XXX of the European Parliament and of the Council with regard to the administrative requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery;**

The Commission representative provided a detailed explanation on the state of play and the time planning for the adoption of the Co-decision act as well as the supplementing legislation (two delegated acts and one implementing act) relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery. He also explained where the latest versions of the different documents and comments could be found in CIRCABC. A summary was made of the most relevant improvements in the presented version 2.1 of the implementing act on administrative requirements with regard to version 2 of the same text, which was presented to MS in a Member State Experts Group (MESG) meeting on 21 April 2016 :

- A new structure to reflect the empowerments in the co-decision act on IMI,
- Annex III: new provisions for the mark of the type approval number and a new wording for the temporary marking of engines,
- Annex V: new coding for the engine and fuel categorisation,
- Annex VI: clear identification of the sections related to IMI.

The Commission representative also indicated that version 3 of the implementing act will be released very soon for its endorsement by MS in a MESG meeting on 24 May 2016.

The AT representative indicated that they had provided for important amendments to the text in cooperation with the chairman of SWG1 which were not reflected on the text; the Commission representative informed that they will be integrated in version 3 which will be released soon and that these documents were already uploaded to CIRCABC.

The DK representative requested about the possible legal implications of endorsing the delegated acts by the Member States before the co-decision act has entered into force: the Commission representative informed that an internal discussion with the colleagues specialised on the legal aspects had taken place and the conclusion was that it was clear that the Commission would not be able to adopt an act implementing a non-entered into force co-decision act, but it would be possible to consult to the MS on the so-called endorsement of the text.

**8. Exchange of views on a draft proposal for amending Commission Implementing Regulation (EU) No 901/2014 with regard to the administrative requirements implementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to the administrative requirements for the approval and market surveillance of two- or three-wheel vehicles and quadricycles;**



The Commission representative provided a detailed explanation on the state of play and the time planning for the adoption of the amendments to the supplementing legislation on L-category vehicles (three delegated acts and one implementing act). He also summarised the most relevant improvements in the presented version 6 of the implementing act on administrative requirements with regard to version 5 and indicated that the same proposal had been discussed on the 11 May 2016 at the Motorcycle Working group, namely:

- An adaptation of the sound level test results to UNECE Regulation No 41,
- The integration in the numbering system of the type-approval certificate of the new systems requested by FR.
- The integration of transitional provisions for the CoC are still pending.

As there were no comments, he requested their submission in writing by 18 May 2016.

**9. Exchange of views with respect to the preparation for the UNECE WP29 session of 20-24 June 2016 - Information from the Commission on the position to be taken by the European Union in the relevant Committees of the United Nations Economic Commission for Europe as regards the proposals for amendments to UN Regulations Nos. 9, 11, 13, 14, 16, 30, 41, 44, 49, 54, 55, 60, 64, 75, 78, 79, 83, 90, 106, 113, 115, 117, 129 and 134, the proposals for amendments to UN Global Technical Regulations 15 and 16, four proposals for a new UN Regulation on Brake Assist Systems (BAS), on Electronic Stability Control (ESC), on Tyre Pressure Monitoring Systems (TPMS) and on Tyre Installation, a proposal for a new UN Global Technical Regulation on the measurement procedure for two- or three-wheeled motor vehicles with regard to the crankcase and evaporative emissions and a proposal for a new Special Resolution No. 2 (S.R.2) regarding improvements in the implementation of the 1998 Global Agreement (mega decision);**

The Commission representative presented the mega decision for the preparation of the WP29 meeting 20 to 24 June 2016. He reported that next steps are EC adoption by 27 May, Coreper on 8 June and Council adoption on 16 June, right ahead of the vote in WP29. Participants did not raise at any controversial issues.

Following a question by the RO representative, the Commission representative explained that alignment of the four new UN regulations with EU legislation is ensured, either by updating the link in the corresponding EU legislation towards the new UNECE legislation or due to the fact that the UNECE legislation does actually reflect the latest changes in EU legislation.

On the timing of the next steps for adoption of this mega-decision, Madam Chair informed participants of the intention to organise an internal EU coordination meeting ahead of the Geneva week, as this usually proves to be too late; it will most likely be held on the occasion of the forthcoming W FAG meeting on 31 May.

**10. AOB**

Madam Chair asked the MS representatives to present the state of play on the recall campaigns of vehicles suspected of having a defeat device. Please find below the link to the table with the provided information: <U:\Common\Victor\TCMV 12 May Recall Campaigns\Recalls state of play in MS.docx>



# ANNEX I

## ATTENDANCE LIST 57<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 12 MAY 2016

### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh Mr O. Brahy	SPF Mobilité et Transports Environment Belgium
<b>BG</b>		Absent represented by Romania
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
<b>DK</b>	Ms K. Asmussen	The Danish Environmental Protection Agency
<b>DE</b>	Mr M. Bänsch Mr O. Eberhardt  Mr H. Holdik Mr L.E. Meyer-Truelsen	Federal Ministry of Transport and Digital Infrastructure Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety Federal Ministry of Transport and Digital Infrastructure KBA
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>		Absent represented by the UK
<b>EL</b>		Absent
<b>ES</b>	Mr J. P. Laguna Gomez	Ministerio de Industria, Energía y Turismo
<b>FR</b>	Mr P. Castaing Ms M. Molina	UTAC ERAM Ministère de l'Environnement, de l'Énergie et de la Mer
<b>HR</b>		Absent
<b>IT</b>	Mr A. Erario	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>	Ms I. Riekstina	Permanent Representation of Latvia
<b>LT</b>		Absent

<b>LU</b>	Mr P. Philippe	Ministère du Développement durable et des Infrastructures
<b>HU</b>	Mr K. Uhlik	KTI Institute for Transport Sciences
<b>MT</b>	Mr M. Xuereb Mr R. Vella	Malta Competition and Consumer Affairs Authority Permanent Representation of Malta
<b>NL</b>	Mr A. Rijnders	RDW (Vehicle Technology and Info Centre)
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Transportation Technical Supervision
<b>PT</b>	Mr L. Paulo	Institute for Mobility and Transport
<b>RO</b>	Mr C. Uta	Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>	Mr M. Hudec	Ministry of Transport
<b>FI</b>	Mr. K. Kuikka	Finnish Transport Safety Agency
<b>SE</b>		Absent represented by Germany
<b>UK</b>	Mr A. Burrows	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr T. Normark Schau	Norwegian Public Roads Administration

**COMMISSION**

**DG GROW/C/4**

- Ms J. Szychowska – Chair
- Ms P. Dilara
- Mr K. Steininger
- Mr P. Troppman
- Mr E. Sanchez Galindo
- Mr R. Gouweleeuw
- Mr M. Szymanski

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
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Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 30 June 2016  
GROW/C4 – CM -

**MINUTES OF THE  
58TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV)**

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**HELD IN BRUSSELS  
ON  
14 JUNE 2016**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 57th meeting held on the 12 May 2016;**

Approval of the minutes was postponed to the 59<sup>th</sup> meeting which will be held on 5 July 2016.

**4. Draft proposal submitted for final examination and delivery of opinion on the Commission Implementing Regulation establishing administrative provisions for the EC type-approval of motor vehicles with respect to their 112-based eCall in-vehicle systems and uniform conditions for the implementation of Regulation (EU) No 2015/758 of the European Parliament and of the Council with regard to the privacy and data protection of users of such systems;**

This point will be submitted for vote by written procedure.

**5. Draft proposal submitted for final examination and delivery of opinion on draft Commission Regulation correcting Regulation (EC) No 692/2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council 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;**

This point will be submitted for vote by written procedure.

**6. Draft proposal submitted for final examination and delivery of opinion on draft Commission proposal for Regulation XXX/2016 on WLTP implementing measures and related changes to Directive 2007/46/EC;**

The Commission representative briefly introduced the proposal, referring in essence to discussions of previous TCMVs and presenting some modifications that have been added since the last discussion: transitional provisions from NEDC to WLTP, definition of identifiers for interpolation (and other test) families, modifications to the manufacturer's information and type approval document as well as the Certificate of Conformity (CoC).

Then the chairperson announced that the Commission firmly intends to vote on the proposed text today in order to be able to stick to the intended application schedule at type approval. According to the Commission proposal the WLTP should be applied at type approval as from 1 September 2017/18 to new/all types (M1 vehicles).

In the following discussion Member States widely welcomed the WLTP proposal in principle by confirming that it is an important step towards establishing more reliable and realistic CO2 emission/fuel consumption information for vehicles.

In the course of the discussion, a number of Member States turned out not to be in a position to support the type approval application dates of the WLTP proposed by the Commission, suggesting instead 1 September 2017/19 as application dates for new/all types (M1 vehicles). These Member States argued that according to the Commission proposal, due to the WLTP emission type approvals necessary for all cars until 1 September 2018 (M1), manufacturers would effectively have to apply RDE step 1 requirements to many cars of their fleet 1 year earlier than initially intended. The countries supporting this view were IT, ES, RO, PL, SK, CZ, HU.

The Commission representative explained that the Commission services do not agree with this view. Firstly, the intention to introduce the WLTP as the mandatory type 1 test procedure as from 1 September 2017/18 for new/all types was always the intention of the Commission and is supported by a wide group of Member States and the European Parliament. The timely introduction of the WLTP is necessary to re-establish the trust of consumers in fuel consumption information provided to them and to set the right technological incentives for CO2 abating technologies. It would be difficult to accept that this process is delayed in order to accommodate manufacturers' compliance with RDE legislation. Secondly, after publication of the WLTP legislation manufacturers will have several months to type approve vehicles that are not compliant with the RDE step 1 conformity factors to the WLTP. Since this only concerns non-RDE compliant vehicles, which should still be on the market after 1 September 2018, their number should be very limited according to the arguments brought forward by vehicle manufacturers during the discussion for the 2nd regulatory RDE package.

The UK representative had to declare that due the current political situation they would have to abstain in case their vote is not decisive. He suggested that the discussion takes place on 5 July.

All other Member States present or represented (BE, BG, DK, DE, EE, IE, EL, FR, HR, CY, LV, LU, MT, NL, AT, PT, SI, FI, SE) supported the Commission proposal, including the application dates.

After this first round of discussions it became clear that the proposal would not get a qualified majority. The Commission chairperson emphasised again that the Commission will organise a vote on the proposal today. She explained that in case of a failed qualified majority, the proposal would be forwarded to the Council, which would need a qualified majority to reject it. In the light of the preceding discussions a qualified majority for rejection of the proposal at the Council seems to be very unlikely. This means that a failed qualified majority on the proposal in TCMV today would lead to the same substantial result, but with a delay of several months, effectively reducing the opportunity (time period between the publication of the new Regulation 2016/xxx in the OJEU and the 1 September 2017) for vehicle manufacturers to obtain WLTP type approvals for vehicles not complying with the RDE step 1 CFs.

The IT and ES representatives then tried to work out alternative solutions. The ES representative proposed that a new paragraph be added to Regulation 2016/xxx, stating that in the case of previously approved vehicle variants and versions, the re-certification from NEDC to WLTP without any relevant technical change will not yield a new type that required, in advance, the fulfilment of the RDE or evaporative emission requirements (i.e. then the RDE step 1 CFs would not be applicable to WLTP approvals of existing vehicles done after 1 September 2017). The Commission representatives however explained that such provision, which would be fundamental, cannot be added at this stage to the proposal without internal consultation at the Commission level. This view was also supported by a number of other Member States supporting the Commission's initial proposal.



The ES and IT representatives insisted to postpone the vote for a later date. The chairperson reiterated that the vote will be cast at this meeting.

Upon further discussion it was agreed that the Commission will again analyse the applicability of RDE step 1 CFs to vehicles under existing type approvals, which must be retested for the WLTP. The text to this aim was added to the Regulation 206/xxx:

"

*Article 15(6)*

*In order to ensure a fair treatment of previously existing type-approvals, the Commission shall examine the consequences of Chapter V of Directive (EC) 2007/46 for the purposes of this Regulation."*

(Chapter V of the Framework Directive (EC) 2007/46 describes the conditions for granting extensions to existing type approvals.)

While emphasising that the commitment of the Commission to make an analysis of the situation has no direct legal implications for the current text, the Chairperson agreed to the following statement to be made in the minutes:

*"The provisions of Article 14(2)(c) of Directive (EC) 2007/46 imply that further tests ensuring the compliance of vehicles under existing type approvals with new requirements will have to be considered as extensions of the existing type approval, rather than new type approvals. The Commission will examine how this principle applies to the compliance with RDE requirements of vehicles under existing type approvals that have to be retested for WLTP. The opportunity to do so presents itself in the context of work on the 2 regulatory WLTP package."*

With these amendments the regulatory text was proposed for vote.

Subsequently the PL representative requested a postponement of the vote according to Article 4(4) of the TCMV rules of procedure, claiming that the addition of Article 15(6) to the text initially proposed by the Commission would constitute a "substantive change". Upon consultation with the Legal Service of the Commission, the request was rejected since the respective change cannot be considered as substantive as it only defines an obligation to the Commission but has no legal effect on other parties.

In the light of the above described addition to the text, the UK representatives declared that they could support the proposal as amended.

In the final vote the amended proposal was supported by the following Member States: BE, BG, DK, DE, EE, IE, EL, ES, FR, HR, CY, LV, LU, MT, NL, AT, PT, SI, FI, SE, UK.

The following Member States abstained: IT, PL.

The following Member States voted against: HU, RO, SK.

# ANNEX I

## ATTENDANCE LIST 58<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 14 JUNE 2016

### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh Mr O. Brahy	SPF Mobilité et Transports Environment Belgium
<b>BG</b>	Ms M. Atanasova	Road Transport Administration
<b>CZ</b>		Absent
<b>DK</b>	Mr M. Hellung-Larsen	The Danish Road Safety Agency
<b>DE</b>	Mr M. Bänsch Mr H. Holdik	Federal Ministry of Transport and Digital Infrastructure Federal Ministry of Transport and Digital Infrastructure
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>		Absent represented by Denmark
<b>EL</b>		Absent represented by Cyprus
<b>ES</b>	Mr J. P. Laguna Gomez	Ministerio de Industria, Energía y Turismo
<b>FR</b>	Ms C. Vallaude Mr P. Bazzucchi	UTAC ERAM Ministère de l'Environnement, de l'Énergie et de la Mer
<b>HR</b>		Absent represented by Germany
<b>IT</b>	Mr A. Erario Ms V. Polillo	Ministry of Infrastructure and Transport Permanent Representation of Italy
<b>CY</b>	Mr P. Petrou	Permanent Representation of Cyprus
<b>LV</b>	Ms I. Riekstina	Permanent Representation of Latvia
<b>LT</b>		Absent
<b>LU</b>	Mr P. Philippe Mr C. Liesch	Ministère du Développement durable et des Infrastructures Société Nationale de Certification et d'Homologation

<b>HU</b>	Mr K. Uhlik	KTI Institute for Transport Sciences
<b>MT</b>	Mr M. Xuereb	Malta Competition and Consumer Affairs Authority (represented by Luxembourg for voting purposes)
<b>NL</b>	Mr A. Rijnders	RDW (Vehicle Technology and Info Centre)
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology (represented by the Netherlands for voting purposes)
<b>PL</b>	Mr R. Jarosz Mr J. Kownacki Mr L. Mieszkowski	Transportation Technical Supervision Motor Transport Institute Permanent Representation of Poland
<b>PT</b>		Absent represented by France
<b>RO</b>	Mr C. Uta	Romanian Automotive Register
<b>SI</b>		Absent represented by Bulgaria
<b>SK</b>	Mr M. Hudec	Ministry of Transport (represented by Hungary for voting purposes)
<b>FI</b>	Mr. K. Kuikka	Finnish Transport Safety Agency
<b>SE</b>	Mr P. Öhlund	Swedish Transport Agency
<b>UK</b>	Mr I. Yarnold Mr D. Kay	Department for Transport Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration

#### **COMMISSION**

<b>DG GROW/C/4</b>	Ms J. Szychowska – Chair Ms P. Dilara Mr K. Steininger Mr A. Marotta Ms M. Teles Romao
<b>DG CLIMA/C/4</b>	Mr A. Paquot Ms S. Lindvall Mr C. Codrea
<b>DG SG/D/2</b>	Ms E. Lecoq

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

**MINUTES**  
**59TH TCMV MEETING**

Brussels, 25 July 2016  
GROW/C4 – CM -

**MINUTES OF THE**  
**59TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR**  
**VEHICLES’ (TCMV)**

**\*\*\*\*\***

**HELD IN BRUSSELS**  
**ON**  
**05 JULY 2016**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 57<sup>th</sup> and 58<sup>th</sup> meetings held on the 12 May 2016 and 14 June 2016;**

The minutes of the 57<sup>th</sup> and 58<sup>th</sup> meetings were approved.

**4. Draft proposal submitted for final examination and delivery of opinion on a draft proposal for amending Commission Implementing Regulation (EU) No 901/2014 with regard to the administrative requirements implementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to the administrative requirements for the approval and market surveillance of two- or three-wheel vehicles and quadricycles;**

The Commission representative presented the calendar for adoption and publication in the OJ of the delegated act and the implementing act amending Commission Regulations supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council. He then explained that the only amendment in the draft implementing act with regard to the previous version presented at the MCWG of 11<sup>th</sup> of May was to clarify that the second footnote (s) in the certificate of conformity is the one which has been deleted and replaced by a new footnote (u). He also remarked that ES had pointed out the need to adapt Tables 5-13 and 5-14 of the test report (Annex VIII) in accordance with the Corrigendum to Regulation (EU) No 168/2013 published on 23 March 2016. In that regard, the applicable Euro 4 / Euro 5 sound test procedures for L4e category vehicles (UNECE R9 instead of UNECE R41) need to be amended. Finally, as the text is still being translated and that the translators might identify additional small editorial mistakes, he requested permission to insert them in the voted text.

Taking these remarks into account, the MS representative proceeded to vote with the following results: 21 MS in favour representing 93.37% of the population of the EU.

**5. Exchange of views on a draft proposal for Commission Implementing Regulation (EU) No .../.. of XXX implementing Regulation (EU) 2016/XXX of the European Parliament and of the Council with regard to the administrative requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery;**

The Commission representative presented the calendar for adoption and publication in the OJ for the two delegated acts and the implementing act supplementing the new Regulation (EU) No 2016/XXX of the European Parliament and of the Council on emission limits of engines to be installed in non-road mobile machinery. He explained that the three texts had been submitted for inter-service consultation on Friday, 1<sup>st</sup> of July, and that the adoption process is proceeding as planned with the aim of finalising all the acts before the end of 2016.

He then explained the amendments introduced in version 3.2. with respect to version 2.1 which was presented before the TCMV on 12<sup>th</sup> of May. The new version substantially improves and completes the text. These amendments consist of the completion of the structure and of Annexes I (information folder and information document) and VI (template of the test reports). Other amended Annexes were those related to the statement of conformity (Annex II), marking of engines (Annex III), the type-approval certificate and its addendum (Annex IV), its numbering system (Annex V) and the definition of engine and engine family (Annex IX). He also indicated that the list of engines produced in accordance with the EU type-approvals granted (Annex VII) has been included and completed for the first time. Other relevant amendments are the equivalence of old information documents and test reports granted under Directive 97/68/EC for certain categories of engines. He concluded his presentation by referring to a remark made by the representative of The Netherlands, by informing that the interconnectivity with existing national data bases and the data structure of the IMI system were kept extremely simple on purpose to allow room for flexibility during its implementation. With regard to this implementation process, he stated that a road map should be made in cooperation with Unit GROW/R4 to identify the next steps needed to implement the IMI system for the type-approval process for non-road mobile machinery engines and that it should be presented to MS representatives and other stakeholders after the summer break 2016.

With no other comments from the MS representatives, Madam Chair concluded this point and gave the MS representatives the possibility to submit their comments in writing by 29<sup>th</sup> of July. She then informed them that a new version of the text will be presented at the TCMV meeting in September and that the vote will take place at the TCMV meeting of 4<sup>th</sup> October.

## **6. Presentation and discussion on the Commission draft proposal for the CO<sub>2</sub> and fuel consumption certification of heavy-duty vehicles;**

The Commission representative presented an amended draft proposal for the certification procedure for heavy-duty vehicles and outlined the principles of the technical procedures set out in the annexes. The presentation was focused on the points where input from the Member States is requested, specifically on:

- the step-by-step approach and proposed implementation dates (18 months after the entry into force of the Regulation for long-haul and regional delivery trucks; 6-12 months later city delivery trucks and 6-12 months later construction vehicles);
- the need to exclude (at least at this stage) small volume manufacturers;
- the need to include at this stage second stage manufacturers taking into consideration that due to a prohibitive cost for small companies of an air-drag test only mass could be re-certified and that this option could raise confidentiality concerns;
- means of ensuring confidentiality of commercially sensitive data when they are transferred between the approval authorities;
- the proposed approach to hashing;
- the output VECTO file and the requirements of the Member States regarding availability of specific data on a certificate of conformity.

The FR representative welcomed the proposal, expressed her preference for the step-by-step approach and supported an option for body-builders to recalculate CO<sub>2</sub> values after second stage approval. In addition, a concern against giving an accreditation to tyre manufacturers to act as technical services has been mentioned. The FI representative clarified the request for an exemption of small volume manufacturers and inquired about a requirement for second stage manufacturers to recertify the vehicles. The ES representative considered the approach complex and different to those applied in other regulations therefore, in his opinion, a start of certification in 2018 might be seen as premature. He requested a presentation explaining the certification procedure and inquired about the treatment of trailers. The IT representative requested clarification on the application of hashes and proposed a voluntary monitoring phase before entry into force a certification requirement. The SE representative thanked the Commission for the proposal and informed the Committee that Sweden will participate in the validation tests for the purpose of the new Regulation. He underlined the importance of hashing, indicated that 18 months will be required to modify their database and considered that body-builders should be excluded from the certification requirements. The IE representative opted for flexibility for body-builders especially if production volumes are low. The UK representative called for a robust procedure and an inclusion of the ex-post verification test in the first version of the document. He supported a revision clause and expressed concerns about the provisions which allow declaring a vehicle compliant if a root cause of a discrepancy is not found. The HU representative inquired about the overall purpose of the legislation, inclusion of buses, certification of engines, coverage of hybrid vehicles and availability of the VECTO tool for the Member States.

The Commission representative explained the issues related to the body-builders and expressed his preference, if data security aspects have been resolved, for a voluntary second stage certification. He expressed a readiness to deliver a presentation on the procedure if this was a wish of Member States, clarified the case of trailers, explained the functioning of hashes and expressed scepticism to the voluntary monitoring phase. Moreover, the Commission representative clarified the points on the main objective of the certification Regulation, application of the rules to buses and hybrid vehicles as well as the testing procedure for engines.

The Commission representative reminded the Member States that in order to adopt the proposal, the co-decision Regulation on Euro 5/6 and VI need to be adopted.

## **7. AOB**

Madam Chair reaffirmed the commitment of the Commission reflected in the minutes of the TCMV meeting of 14<sup>th</sup> of June for a follow up regarding the interplay of the rules of RDE and WLTP regulations. She informed the Committee that the Commission services are working on it and will present the outcome during the next TCMV meeting in September, when it will be possible to discuss the timing and content of the follow up.

The ES representative raised a point concerning the uncertainty of timing and content following the introduction of Article 15(6) and the uncertain dates of adoption of the second regulatory package. He therefore proposed introducing, in the second WLTP package, the phrase "In the case of variants to vehicles which previously have been approved for type-approval, which move from the current to the future cycle, and where no technical adaptations is required, should not be considered as new types but extensions to existing types", meaning that these vehicles will not have to be adapted to the new trials on real traffic conditions. Invoking the uncertainty of dates of entry into force of the regulation, he also proposed that the Commission services draft an explanatory note setting the timing and



informing the industry on the upcoming entry into force. The IT representative showed support for the proposal of the ES representative.

With no other comments from the MS representatives, Madam Chair thanked the MS for the suggestions and underlined the intention of the Commission to provide clarity in terms of content and timing. She felt that, for the time being, the commitment in the minutes and the provisions as such are sufficient. Madam Chair then added that the road map and the solutions will be proposed by the Commission services during the next TCMV meeting in September and concluded this point.

## ANNEX I

### ATTENDANCE LIST 59<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 05 JULY 2016

#### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh Ms A. Vereecken	SPF Mobilité et Transports MOW Vlaanderen
<b>BG</b>		Absent
<b>CZ</b>	Absent represented by Slovak Republic	
<b>DK</b>		Absent
<b>DE</b>	Mr L.E. Meyer-Truelsen	KBA
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>	Mr J. Kilroy	Road Safety Authority
<b>EL</b>		Absent
<b>ES</b>	Mr J. P. Laguna Gomez	Ministerio de Industria, Energía y Turismo
<b>FR</b>	Mr P. Castaing Ms M. Molina	UTAC ERAM Ministère de l'Environnement, de l'Énergie et de la Mer
<b>HR</b>		Absent
<b>IT</b>	Mr L. Rocco	Ministry of Infrastructure and Transport
<b>CY</b>		Absent
<b>LV</b>	Ms I. Riekstina	Permanent Representation of Latvia
<b>LT</b>		Absent
<b>LU</b>	Mr P. Philippe Mr R. Lamberty	Ministère du Développement durable et des Infrastructures Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr K. Uhlik	KTI Institute for Transport Sciences

<b>MT</b>	Mr C. Ellul	Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr T. Stoffels	RDW (Vehicle Technology and Info Centre)
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz Mr J. Kownacki	Transportation Technical Supervision Motor Transport Institute
<b>PT</b>	Mr L. Paulo	Instituto da Mobilidade e dos transportes
<b>RO</b>	Ms C.Miui	Permanent Representation of Romania
<b>SI</b>		Absent
<b>SK</b>	Mr J. Javorčík	Ministry of Transport
<b>FI</b>	Mr. T. Kärkkäinen	Finnish Transport Safety Agency
<b>SE</b>	Mr P. Öhlund	Swedish Transport Agency
<b>UK</b>	Mr D. Kay	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration
<b>COMMISSION</b>		
<b>DG GROW/C/4</b>	Ms J. Szychowska – Chair Mr E. Sanchez Galindo Mr R. Gouweleeuw Mr A. Marotta Ms M. Teles Romao	
<b>DG SJ/H</b>	Ms A-C. Becker	

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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**EUROPEAN COMMISSION**

INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP AND SMES DIRECTORATE-  
GENERAL

Industrial Transformation and Advanced Value Chains  
**Automotive & Mobility Industries**  
**TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)**

Brussels, 3 October 2016  
GROW/C4 – CM -

**MINUTES OF THE  
60TH MEETING OF THE ‘TECHNICAL COMMITTEE - MOTOR  
VEHICLES’ (TCMV) MEETING**

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**HELD IN BRUSSELS  
ON  
15 SEPTEMBER 2016**

**1. Approval of the draft agenda;**

The agenda was approved.

**2. Updating of the TCMV members' list;**

The participants were asked to send any changes to the secretariat.

**3. Approval of the draft minutes from the 59th meeting held on 5 July 2016;**

The minutes were approved.

**4. Presentation and discussion on the Commission proposal for the third RDE legislative act;**

The Commission representative presented the proposal for the third RDE legislative act. The presentation focused on PN inclusion, cold start inclusion, provisions for hybrids, regeneration inclusion, LCVs provisions, small volume manufacturers and RDE declaration in CoC.

Most Member State representatives thanked the Commission for the extensive work which was performed in a short time for this act.

**For PN-PEMS:** The ES and IT representatives raised concerns regarding the date of application. The UK representative underlined that it is important that RDE is introduced as soon as possible, but wondered if setting the application date for PN-PEMS to 2018 contradicts what was agreed in October regarding the application dates for RDE. The Commission representative welcomed a discussion on this matter, but underlined that if the Member States wish to change the date of application they must present evidence that there are merits to this change.

The representative from RO remarked that the GPF system was only available in 2015 and thus is not mature enough for such quick introduction. The Commission representative explained that they have been testing the equipment since 2013 and believe that the GDI with the GPF actually have the possibility to be better than what was showed in the diagram that was included in the presentation. The Commission representative also emphasized that it was established already in 2012 that these rules should be introduced and that the dates were clearly stated. The NL representative stressed that it is important that the industry has clarity, which they have had in this case since 2012. He also underlined that it should be made clear to the manufacturers that they must make the necessary adjustments in their production. The HU representative asked the Commission to provide a table which includes all the dates of the RDE-packages, WLTP and the number of affected types. The Commission services will try to put together this information and circulate it.

**Cold Start:** Several Member State representatives (NL, ES, UK, SE, IT, HU) expressed their support for approach 0; cold-start as part of RDE urban evaluation. They found it to be the most transparent and realistic approach amongst those considered. The DK

representative was positive towards approach 0, but did however made a scrutiny reservation as they were of the opinion that the distance of the usual trips in Europe is not reflected in this urban cycle, since many trips are 8 km long. The Commission representative replied that the average length of an urban trip seems to be around 19 km long based on a study by the JRC which evaluates all data currently available. The Commission hopes that the JRC will finalize the report within the coming days and will have a more complete reply then.

In general the proposals for inclusion *of hybrids and regeneration* received no major comment. The representatives of UK and NL were happy with the solution for hybrids but the UK representative requested to know when a more complete solution will be ready. The Commission representative replied that they will continue to work on this within the RDE-LDV working group with a view to introduce it as soon as possible, but it will depend on how fast the work proceeds.

As regards *light commercial vehicles*, the IT representative stressed that there are issues related to the dynamic use conditions, which are not the same as for standard cars, so it welcomes the changes proposed by the Commission. The FR representative shared this view. The Commission representative replied they would welcome data on the real use of LCVs in order to propose a more complete set of changes in the next RDE act.

The FR representative noted that there is a need to have a closer look at *multi-stage vehicles* in order for the legislation to be clear and this sector not to be unintentionally penalised. The LUX and UK representatives were also of the opinion that this is a topic that needs to be dealt with in a careful manner. The NL representative agreed with the Member States on the need to focus on multi-stage vehicle, but pointed out that the legislation as such is clear and the main question is how to transpose it in real world.

The LUX, ES and IT representatives questioned the added value of including *RDE declaration in the CoC*. The IT representative pointed out that this already will be included in the type-approval certificate. The AT representative stated that it would constitute an administrative burden, but they might accept this if it would be submitted electronically. The Commission representative explained that since there are manufacturers that will be below the CF, enabling them to show this would give them a competitive advantage. The representative of DG CLIMA further noted that this would increase consumer transparency. The DK, UK, NL and SE representatives stated that this was an interesting proposal, but they would need more time to look into it.

The IT representative made a reservation to the changed definition of small vehicle manufacturers as they did not see the need to this alteration. The Commission representative explained that the reason for this change is to avoid a large company to split into several small companies in order to be defined as a small volume manufacturer and that it is conform with the definitions in the CO2 from LDV regulation.

The Commission representative concluded the discussion on the third RDE legislative act with presenting the calendar and asking the Member States to send in their comments on the draft text in tracked changes by the end of the month. The next TCMV meeting is scheduled for 3 October, the internal consultation is taking place from 10 October to 24

October, the public consultation is scheduled for 3 November to 2 December and the vote in TCMV is planned for 7 December.

## **5. Discussion of the effects of Article 15a of WLTP Regulation 2016/xxx;**

The Commission representative informed that there were three issues to discuss. First, there are a few errors in WLTP Regulation 2016/xxx that will need to be adjusted with a correcting act. The Commission representative explained that this only concerns technical elements and no political. The correcting act will then be discussed during the next meeting. It will also be subject for a public consultation before it will be up for a vote on the TCMV meeting in December 2016.

The second issue concerned one particular element in the correcting act that have raised concerns among the Member States, namely the fact that the implementation date of the new evaporative emission test procedure is not correctly specified. Therefore, the Commission proposed a correction to the WLTP in this respect together with the correcting act. The ES, IT, NL and DE representatives welcomed the proposed text. The NL representative asked if the footnotes in the tables would need to be changed, which the Commission representative confirmed.

Lastly, the main issue regarding WLTP Regulation 2016/xxx was discussed. The Commission representative explained that according to the regulation as it stands now, vehicles will have to comply with the Regulation when they are placed on the market as from the 1 September 2018. This means that they will have to get a new emission type-approval as WLTP was implemented with a new implementing Regulation. If this new type-approval is issued after 1 September 2017, RDE step 1 will automatically apply to these vehicles. Consequently, most of the vehicles that are certified against WLTP will have to implicitly comply with RDE step 1, already from 1 September 2018. Since this effect was maybe not fully anticipated from the beginning, the Commission representative asked the Member States for feedback on whether they have an understanding of the effect and whether they considered the effect to be legitimate or if they expect the Commission to correct it. According to Article 15.6 of the WLTP the Commission is expected to look into this matter.

In order to start a discussion on this issue, the Commission representative presented a first draft of a legal text that could correct this affect and asked the Member States to let the Commission know if this approach met their expectation. Several Member States representatives (IT, DE, ES, RO, UK, CZ, SE, LUX) welcomed this approach, stated that it was a step in the right direction and that they would come back with their comments when they had looked into the text in further detail. The Commission asked to receive the comments by 25 September in order to present a finalized version on the next meeting.

## **6. Preparation of 2nd regulatory WLTP for introduction into EU legislation;**

The Commission representative presented what is planned to be developed in the second WLTP act. The Commission representative explained that WLTP2 was based on three main elements: the inclusion of a procedure for the correction of test results to neutralise or diminish the effect of cycle flexibilities, the introduction of provisions for the full



transparency of the information that are exchanged and produced at type-approvals and the adaptation of the evaporative test.

The Commission representative informed the member States that they will set up a WLTP2 working group and invite them and other stakeholders to participate. A first draft text should be presented at the next TCMV meeting and the aim is to have the text ready for a vote at the TCMV meeting in March.

The presentation did not receive any comments from the Member States.

Lastly, the Member States were asked to inform the Commission before 26 September on who will be part of the WLTP2 working group. The first meeting is planned to take place in the first half of October.

#### **7. Presentation and discussion on the Commission draft proposal for the CO<sub>2</sub> and fuel consumption certification of heavy-duty vehicles;**

The Commission representative presented the latest draft of the new regulation and gave an overview of the annexes. The Commission representative also invited the Member States to participate in the discussions that are planned to be launched in October in order to go through the text and work on the details.

The Commission representative explained that since the text was presented the last time there have been several changes made, but no new ground-breaking introductions or amendments. The Commission representative also stressed that it is important that the Euro 5/6 amendment is adopted before proceeding with the implementation of secondary CO<sub>2</sub> rules.

The NL and SE representatives expressed their support for the text. The UK representatives pointed out that there must be annual reviews as well as provisions that enable third parties access to the models.

The Commission representative further explained that the Euro 5/6 amendment has been blocked in the Parliament due to one problem; the scope of the implementing and delegating acts. The Commission therefore called upon the Member States representatives to pass on the message that it is high time for this problem to be sorted out in order for the work to be finalized.

Lastly, the Commission invited the Member States to send in their comments in writing and informed them of the meeting that will take place on 27 September.

#### **8. Presentation of the monitoring and reporting approach for the CO<sub>2</sub> and fuel consumption of heavy-duty vehicles;**

The Commission representative from DG CLIMA explained that CO<sub>2</sub> monitoring is needed since without monitoring, the benefits of certification not fully attained. The Commission representative presented the proposed approach, which is mixed reporting and explained why this is the preferable way forward. The FR and RO representatives expressed their support for this approach. DG CLIMA informed that the proposal is expected to be tabled by the end of the first quarter of 2017.

## **9. Update from the Commission on TTIP negotiations in the car sector;**

The Commission representative updated the Member States on the state of play of the TTIP negotiations and the way forward. The last round took place in July and the next round is scheduled for the first week of October. During the last round the negotiations became more substantial, notably since the EU tabled an annex. The Commission representative informed that they have insisted on a few concepts, namely equivalence of technical regulations, equivalence plus and harmonization, in particular through the UNECE framework and the 98<sup>th</sup> agreement. These concepts are reflected in the annex as well as in a list where all the safety requirements are classified according to the categorisation mentioned earlier. Regarding the list, the area which probably is the most problematic is crashworthiness.

The Commission representative further informed that the EU, US and Japan have been working on increasing the efficiency of their cooperation in the international forum, in particular under the 98<sup>th</sup> agreement. As a first step, they have been working on trilateral paper which has been submitted to the UNECE with ideas on how to improve the work. In particular, they will need to start reflecting in a more strategic way on priorities under the 98<sup>th</sup> agreement taking into consideration the available resources, the likelihood of positive outcome and how these priorities fit with the domestic priorities. Therefore, there is a need to carry out a screening on ongoing activities under the 98<sup>th</sup> agreement and come up with a list of priorities from the EU side. The Commission asked the Member States to reflect on the priorities and send in their feedback before 20 October.

The Commission representative also informed on possible solutions proposed in order to increase transparency and encourage the participation of stakeholders on the UNECE level.

The presentation did not receive any comments from the Member States.

# ANNEX I

## ATTENDANCE LIST 60<sup>TH</sup> TECHNICAL COMMITTEE – MOTOR VEHICLES (TCMV)

HELD IN BRUSSELS ON 15 SEPTEMBER 2016

### MEMBER STATES

<b>BE</b>	Ms A. Wayenbergh	SPF Mobilité et Transports
<b>BG</b>		Absent
<b>CZ</b>	Mr L. Kincl	Ministry of Transport
<b>DK</b>	Ms K. Asmussen	The Danish Environmental Protection Agency
<b>DE</b>	Mr L.E. Meyer-Truelsen Mr H. Holdik Ms N. Sonnenberger  Mr M. Lange  Mr M. Bänisch	Federal Ministry of Transport and Digital Infrastructure Federal Ministry of Transport and Digital Infrastructure Fed. Ministry for the Environment, Nature Conservation, Building and Nuclear Safety  Fed. Ministry for the Environment, Nature Conservation, Building and Nuclear Safety Ministry of Economic Affairs and Energy
<b>EE</b>	Mr A. Allaste	Estonian Road Administration
<b>IE</b>		Absent
<b>EL</b>		Absent
<b>ES</b>	Mr J. P. Laguna Gomez Ms A. Garcia Gonzalez	Ministerio de Industria, Energía y Turismo Permanent Representation of Spain
<b>FR</b>	Mr P. Castaing Mr P. Bazzucchi	UTAC ERAM Ministère de l'Environnement, de l'Énergie et de la Mer
<b>HR</b>		Absent
<b>IT</b>	Mr A. Erario	Ministry of Infrastructure and Transport
<b>CY</b>	Mr P. Petrou	Permanent Representation of Cyprus
<b>LV</b>	Mr. J. Puntaks	Road Traffic Safety Directorate
<b>LT</b>		Absent

<b>LU</b>	Mr P. Philippe Mr C. Liesch	Ministère du Développement durable et des Infrastructures Société Nationale de Certification et d'Homologation
<b>HU</b>	Mr K. Uhlik	KTI Institute for Transport Sciences
<b>MT</b>	Mr C. Ellul Mr E. Xuereb	Malta Competition and Consumer Affairs Authority Malta Competition and Consumer Affairs Authority
<b>NL</b>	Mr A. Rijnders	RDW (Vehicle Technology and Info Centre)
<b>AT</b>	Mr F. Höller	Ministry for Transport, Innovation and Technology
<b>PL</b>	Mr R. Jarosz	Transportation Technical Supervision
<b>PT</b>	Mr L. Paulo	Instituto da Mobilidade e dos transportes
<b>RO</b>	Mr C. Uta	Romanian Automotive Register
<b>SI</b>		Absent
<b>SK</b>	Mr M. Hudec	Ministry of Transport
<b>FI</b>	Mr. T. Kärkkäinen	Finnish Transport Safety Agency
<b>SE</b>	Mr P. Öhlund	Swedish Transport Agency
<b>UK</b>	Mr D. Kay	Department for Transport
<b>EFTA</b>		
<b>NORWAY</b>	Mr A. Hagerupsen	Norwegian Public Roads Administration
<b>COMMISSION</b>		
<b>DG GROW/C/4</b>	Ms J. Szychowska – Chair Ms B. Bonvissuto Ms P. Dilara Mr M. Szymanski Mr A. Marotta Mr K. Steininger Mr Z. Kregar	
<b>DG ENV</b>		

## ANNEX II

### MEMBER STATE REPRESENTATIVES MOTOR VEHICLES

#### MEMBER STATE REPRESENTATIVES

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