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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 715/2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information - Preparation for the trilogue

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (15.02.2021)

I. INTRODUCTION

1. On 14 June 2019, the Commission transmitted the above-mentioned proposal for a Regulation to the European Parliament and the Council in reaction to the ruling by the General Court of the European Union of 13 December 2018 concerning conformity factors for nitrogen oxides (NO_x).
2. The Permanent Representatives Committee (COREPER I) agreed on a mandate for informal negotiations with the European Parliament on 11 December 2019.¹
3. The European Parliament adopted its draft amendments to the proposal on 16 September 2020.

¹ Doc. 15042/19 + COR 1.

4. The European Economic and Social Committee issued its opinion on 25 September 2019.
5. The Committee of the Regions did not issue an opinion on this proposal.

II. WORK CONDUCTED WITHIN THE COUNCIL AND MAIN CHANGES TO THE TEXT

6. The first informal trilogue with representatives of the European Parliament and the European Commission took place on 9 October 2020. The Presidency provided a debrief on the outcome of the first trilogue on 14 October 2020.
7. On 4 November 2020, the Presidency received a revised COREPER mandate for the second informal trilogue on 10 November 2020. COREPER was debriefed on the outcome of the second trilogue on 18 November 2020.
8. Taking into consideration positions of the European Parliament and the European Commission in the second trilogue on 10 November 2020 and in the technical meeting on 13 November 2020, as well as opinions of delegations presented in Working Party meetings, the Presidency has prepared a compromise text set out in the Annex to this note (in particular rows 19, 21, 22, 23, 24, 35-38, 39-42, 52, 63 and 73).
9. Political issues remain open. Council's proposal for a compromise concerning a lower value of the error margin, and Council's flexibility concerning yearly reviews of the error margin and possible use of delegated acts in connection with downwards revisions of the error margin were not sufficient to reach an agreement with the European Parliament in the second trilogue. There are two other issues to be further discussed, namely:

a) Phase-out of conformity factors by 30 September 2022

The co-legislators approach this EP amendment to the initial Commission proposal from two different angles. The EP links the phase-out of conformity factors by a fixed date (currently: 30 September 2022) to environmental targets, such as better quality of air. The EP argues that as of September 2022 cars must prove they meet EU limits for NO_x emissions under real driving conditions without taking into account the measurement uncertainty of the Portable Emissions Measurements Systems (PEMS). This means that only the bare results from tests carried out on the road would be used to determine compliance with the EU emission limits. The EP indicated some flexibility only on the date by which conformity factors should cease to apply, later than 30 September 2022, but still before post-Euro 6 legislation will come into force. The Council's approach to the phase-out is based on scientific and technical evidence. The Council argues that to address statistical and technical uncertainties regarding measurements obtained through PEMS, conformity factors are needed as they allow to take into account a margin of error (due to the use of PEMS). The Council shares the political objective to bring conformity factors as close to 1 as scientifically possible. However, measurements by PEMS remain far more inaccurate than measurements with laboratory equipment, therefore any phase-out of conformity factors under Euro 6, without scientific evidence showing significant technical progress, remains inappropriate.

b) Implementing vs. delegated acts in relation to specific procedures, tests and requirements for type approval in Art. 5 (3) of Regulation (EC) No 715/2007

In relation to specific procedures, tests and requirements for type approval in Article 5 (3) of Regulation (EC) No 715/2007, the EP favours delegated acts (arguing that it has no say in the matter of implementing acts). The Council prefers implementing acts (in order to ensure uniform conditions for their implementation, as Member States are the ones who, in the end, have to implement procedures, tests and requirements for type approval).

Currently, both co-legislators remain far apart on these two remaining issues.

10. In case the European Court of Justice upholds the ruling of the General Court of the European Union², NOx conformity factors would ultimately cease to apply. This could seriously jeopardize legal certainty.
11. The Presidency invites delegations to express their views on the following questions:
 1. Could you agree to the use of delegated acts in relation to specific procedures, tests and requirements for type approval in Article 5 (3) of Regulation (EC) No 715/2007?
 2. Could you agree to the deletion of amendment to Article 5 (3) of Regulation (EC) No 715/2007 and Recital 10 as proposed by the Commission?³
 3. Could you agree to a new recital containing an indicative and non-binding date for the phase-out of conformity factors? If so, which date would be feasible for you?

² Judgment of 13 December 2018, *Ville de Paris, Ville de Bruxelles and Ayuntamiento de Madrid v Commission*, T-339/16, T-352/16 and T-391/16, EU:T:2018:927.

³ This means that Article 5 (3) of Regulation (EC) No 715/2007 would not be "Lisbonised". The regulatory procedure with scrutiny currently laid out in Article 5 (3) of Regulation (EC) No 715/2007 would continue to apply for the time being and at least until any future agreement on a post-Euro 6 legislative proposal is reached.

III. CONCLUSION

12. COREPER is invited to endorse the compromise text set out in the Annex to this note and to give guidance on Art. 5 (3) of Regulation (EC) No 715/2007 and on a new recital concerning an indicative and non-binding date for the phase-out of conformity factors.
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Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EC) No 715/2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) ~~and on access to vehicle repair and maintenance information~~
 (Text with EEA relevance)

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
1	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,			
2	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,			
3	Having regard to the proposal from the European Commission,			
4	After transmission of the draft legislative act to the national parliaments,			
5	Having regard to the opinion of the European Economic and Social Committee ¹ ,			

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	¹ OJ C , , p. .			
6	Acting in accordance with the ordinary legislative procedure,			
7	Whereas:			
Recital 1				
8	<p>(1) Regulation (EC) No 715/2007 of the European Parliament and of the Council² is one of the separate regulatory acts under the type-approval framework laid down by Directive 2007/46/EC of the European Parliament and of the Council³.</p> <p>² Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework</p>			<p>(1) Regulation (EC) No 715/2007 of the European Parliament and of the Council² is one of the separate regulatory acts under the type-approval framework laid down by Directive 2007/46/EC Regulation (EU) 2018/858 of the European Parliament and of the Council³.</p> <p>² <u>Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to</u></p>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	<p>Directive) (OJ L 263, 9.10.2007, p. 1).</p> <p>³ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).</p>			<p><u>vehicle repair and maintenance information (Text with EEA relevance) OJ L 171, 29.6.2007, p. 1</u></p> <p>Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).</p> <p>³ <u>Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (Text with EEA relevance.) OJ L 151, 14.6.2018, p. 1</u></p> <p>Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).</p>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
Amendment 1 Recital 2				
9	<p>(2) Regulation (EC) No 715/2007 requires new light-duty vehicles to comply with certain emission limits (Euro 5 and Euro 6 standards) and lays down additional requirements on access to vehicle repair and maintenance information. The specific technical provisions necessary to implement that Regulation were set out in Commission Regulation (EC) No 692/2008⁴ and subsequently, in Commission Regulation (EU) 2017/1151⁵</p> <hr/>	<p>(2) Regulation (EC) No 715/2007 requires new light-duty vehicles to comply with certain emission limits (Euro 5 and Euro 6 standards) and lays down additional requirements on access to vehicle repair and maintenance information, <i>as amended and further consolidated by Regulation (EU) 2018/858^{3a} which applies from 1 September 2020</i>. The specific technical provisions necessary to implement Regulation (EC) No 715/2007 were set out in Commission Regulation (EC) No 692/2008⁴ and subsequently, in Commission Regulation (EU) 2017/1151⁵.</p> <hr/> <p>^{3a} <i>Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such</i></p>		<p>(2) Regulation (EC) No 715/2007 requires new light-duty vehicles to comply with certain emission limits (Euro 5 and Euro 6 standards). The and lays down requirements on access to vehicle repair and maintenance information <u>laid down in Regulation (EC) No 715/2007 were consolidated in Regulation (EU) 2018/858^{3a}</u>. The specific technical provisions necessary to implement Regulation (EC) No 715/2007 that Regulation were set out in Commission Regulation (EC) No 692/2008⁴ and subsequently, in Commission Regulation (EU) 2017/1151⁵.</p> <hr/> <p>^{3a} <u>Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC)</u></p>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
		<i>vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).</i>		<u>No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).</u>
	<p>⁴ Commission Regulation (EC) No 692/2008 of 18 July 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 (OJ L 199, 28.7.2008, p. 1).</p> <p>⁵ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing 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, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).</p>	<p>⁴ Commission Regulation (EC) No 692/2008 of 18 July 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 (OJ L 199, 28.7.2008, p. 1).</p> <p>⁵ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing 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, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).</p>		<p>⁴ Commission Regulation (EC) No 692/2008 of 18 July 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 (OJ L 199, 28.7.2008, p. 1).</p> <p>⁵ Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing 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, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).</p>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
Amendment 2 Recital 3				
10	(3) The type-approval requirements relating to emissions from motor vehicles have been gradually and significantly tightened through the introduction and subsequent revision of Euro standards. While vehicles in general have delivered substantial emission reductions across the range of regulated pollutants, this was not the case for NOx emissions from diesel engines or particles for gasoline direct injection engines, installed in particular in light-duty vehicles. Actions for correcting this situation are therefore needed.	(3) The type-approval requirements relating to emissions from motor vehicles have been gradually and significantly tightened through the introduction and subsequent revision of Euro standards. While vehicles in general have delivered substantial emission reductions across the range of regulated pollutants, this was not the case for NOx emissions from diesel engines or particles for gasoline direct injection engines, installed in particular in light-duty vehicles. Actions <i>to correct</i> this situation are therefore needed.		
Amendment 3 Recital 3 a (new)				
11		<i>(3a) The 2019 Air Quality Report^{1a} published by the European Environment Agency (EEA) estimated that in 2016</i>		<i>In principle the new draft recital would be acceptable as part of an overall compromise. But it has to be finished after the</i>

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		<p><i>long-term exposure to air pollution has been responsible to more than 506 000 premature deaths in the EU-28. The report also confirmed that road transport continued to be the primary source of NO_x emissions in the EU-28 in 2017, representing around 40 % of total EU NO_x emissions, and that around 80 % of the total NO_x emission from road transport is generated by diesel powered vehicles;</i></p> <p><i>^{1a} EEA Air Quality in Europe 2019 report.</i></p>		<p><i>EEA report has been published. Also, EP needs to clarify, if the last sentence is correct or if it should rather be “transport related air pollution cost”.</i></p> <p>New proposal by EP (changes compared to original EP amendment bold + underlined):</p> <p>(3a) The <u>2020</u> Air Quality Report¹ published by the European Environment Agency (EEA) estimated that in <u>2018</u> long-term exposure to air pollution has been responsible <u>for around 374 000 premature deaths from fine particulate matter (PM_{2.5}) and 68 000 premature deaths from NO₂</u> in the EU-28. The report also confirmed that road transport continued to be the primary source of NO_x emissions in the EU-28 in <u>2018</u>, representing around 40 % of total EU NO_x emissions. <u>In particular, diesel vehicles are responsible for around 80% of</u></p>

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				<u>the air pollution cost in the EU.</u> ¹ EEA (forthcoming Nov 2020)
Amendment 4 Recital 3 b (new)				
12		(3b) Access to vehicle repair and maintenance information for independent operators is crucial in order to re-establish consumer trust.		Deletion agreed
Amendment 5 Recital 3 c (new)				
13		(3c) Recent violations of the existing legal framework by manufacturers, including violations of their legal obligations under Regulation (EC) No 715/2007, demonstrated the weaknesses of control and enforcement mechanisms. Consumers were left without satisfactory compensation, since even where compensation was granted, it often did not bring the vehicles		defend Council position reject new IMCO proposal Proposal by IMCO (changes compared to original EP amendment bold + underlined): (3c) <u>Recent proven infringements to the Regulation (EC) No 715/2007 by manufacturers, compounded by weaknesses of the mechanisms of control and</u>

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		<i>into conformity with Euro 5 and 6 standards. Since the increasing number of diesel bans across European cities affect citizens' daily life, adequate compensation measures would be to equip non-compliant vehicles with the adapted exhaust treatment technology (hardware change) or, in the event that the consumer wished to exchange a purchased vehicle for a cleaner model, the offer of conversion premiums.</i>		<u>enforcement, penalised consumers;</u> even where compensation was granted, it often did not bring the vehicles into conformity with Euro 5 and 6 standards. Adequate compensation measures would be to equip non-compliant vehicles <u>with new replacement pollution control devices</u> (hardware change) <u>or alternatively the offer of conversion premiums for the purchase of new vehicles compliant with the provisions of the present Regulation as amended.</u>
Recital 4				
14	(4) The Commission performed a detailed analysis of the procedures, tests and requirements for type approval that are set out in Regulation (EC) No 692/2008 on the basis of own research and external information and found that the emissions generated by real			

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	driving on the road of Euro 5 or Euro 6 vehicles substantially exceed the emissions measured on the regulatory New European Driving Cycle (NEDC), in particular with respect to NOx emissions of diesel vehicles.			
Amendment 6 Recital 5				
15	<p>(5) As a result, the Commission developed a new methodology for testing vehicle emissions in real-driving conditions, the real-driving emissions (RDE) test procedure. The RDE test procedure was introduced by Commission Regulations (EU) 2016/427⁶ and (EU) 2016/646⁷, subsequently taken over into Regulation (EU) 2017/1151 and further improved by Commission Regulation (EU) 2017/1154⁸.</p> <p>⁶ Commission Regulation (EU) 2016/427 of 10 March 2016 amending</p>	<p>(5) As a result, the Commission developed a new methodology for testing vehicle emissions in real-driving conditions, the real-driving emissions (RDE) test procedure. The RDE test procedure was introduced by Commission Regulations (EU) 2016/427⁶ and (EU) 2016/646⁷, subsequently taken over into Regulation (EU) 2017/1151 and further improved by Commission Regulations (EU) 2017/1154⁸ and (EU) 2018/1832^{8a}.</p> <p>⁶ Commission Regulation (EU) 2016/427 of 10 March 2016 amending</p>		accept EP amendment

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	<p>Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 82, 31.03.2016, p.1).</p> <p>⁷ Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 109, 26.04.2016, p.1).</p> <p>⁸ Commission Regulation (EU) 2017/1154 of 7 June 2017 amending Regulation (EU) 2017/1151 supplementing 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, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Regulation (EC) No 692/2008 and Directive 2007/46/EC of the European Parliament and of the Council as regards real-driving as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 175, 07.07.2017, p.708)</p>	<p>Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 82, 31.3.2016, p. 1).</p> <p>⁷ Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 109, 26.04.2016, p.1).</p> <p>⁸ Commission Regulation (EU) 2017/1154 of 7 June 2017 amending Regulation (EU) 2017/1151 supplementing 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, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Regulation (EC) No 692/2008 and Directive 2007/46/EC of the European Parliament and of the Council as regards real-driving as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 175, 07.07.2017, p.708)</p> <p>^{8a} Commission Regulation (EU) 2018/1832 of 5 November 2018</p>		

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		<i>amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) 2017/1151 for the purpose of improving the emission type approval tests and procedures for light passenger and commercial vehicles, including those for in-service conformity and real-driving emissions and introducing devices for monitoring the consumption of fuel and electric energy(OJ L 301, 27.11.2018, p. 1).</i>		
Amendment 7 Recital 6				
16	(6) Regulation (EU) 2016/646 ⁹ introduced the dates of application of the RDE test procedure, as well as the compliance criteria for RDE. For that purpose, pollutant-specific conformity factors were used to take account of statistical and technical uncertainties of the measurements conducted by means of Portable Emission Measurement Systems (PEMS).	(6) Regulation (EU) 2016/646 ⁹ introduced the dates of application of the RDE test procedure, as well as the compliance criteria for RDE. <i>The introduction of the dates of application for passenger vehicles and light-duty vehicles was chosen in a yearly sequence to ensure timely planning for the manufacturers of each vehicle group.</i> For that purpose, pollutant-specific conformity factors were <i>introduced</i> , to take		(6) Regulation (EU) 2016/646 ⁹ introduced the dates of application of the RDE test procedure, as well as the compliance criteria for RDE. <i>The introduction of the dates of application for passenger vehicles were set is one year earlier than those for that of light-commercial vehicles to ensure timely planning for the manufacturers of each vehicle group. For that purpose, p</i> <i>P</i> ollutant-specific conformity

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	<p>9 Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 109, 26.04.2016, p.1).</p>	<p>account of statistical and technical uncertainties of the measurements conducted by means of Portable Emission Measurement Systems (PEMS).</p> <p>9 Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 109, 26.04.2016, p.1).</p>		<p>factors were introduced, to take account of statistical and technical uncertainties of the measurements conducted by means of Portable Emission Measurement Systems (PEMS).</p> <p>9 Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (OJ L 109, 26.04.2016, p.1).</p>
Amendment 8 Recital 6 a (new)				
17		<p><i>(6a) According to the EEA report from 2016, the gap between real-world and laboratory emissions was mainly due to three factors: an outdated test procedure, flexibilities in the current procedure and in-use factors which are driver dependent. A study is required in order to establish the margin that is due to the driving style and to the outside temperature. A clear</i></p>		<p>defend Council position</p> <p><i>EP preliminary agreed to drop this recital, contingent on agreement on standardisation and improvement of PEMS (row 23).</i></p>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
		<i>distinction should be made between the CF, the device-related margin and the margin of the in-use factor which is driver- and temperature-dependent.</i>		
Amendment 9 Recital 7				
18	(7) On 13 December 2018, the General Court delivered judgment in Joined Cases T-339/16, T-352/16 and T-391/16 ¹⁰ concerning an action for annulment of Regulation (EU) 2016/646. The General Court annulled the part of Regulation (EU) 2016/646 which established the conformity factors used to assess compliance of RDE test results with the emission limits laid down in Regulation (EC) No 715/2007. The Court found that only the legislator could introduce those conformity factors as they touched upon an essential element of Regulation (EC) No	(7) On 13 December 2018, the General Court delivered judgment in Joined Cases T-339/16, T-352/16 and T-391/16 ¹⁰ concerning an action for annulment of Regulation (EU) 2016/646. The General Court annulled the part of Regulation (EU) 2016/646 which had established the conformity factors used to assess compliance of RDE test results with the emission limits laid down in Regulation (EC) No 715/2007. The Court found that only the legislator could introduce those conformity factors as they touched upon an essential element of Regulation (EC) No		accept EP amendment

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	715/2007. ¹¹ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).	715/2007 and “ <i>result in the de facto amendment of the limits on the emissions of oxides of nitrogen laid down for the Euro 6 standards, even though those limits are to apply to those tests</i> ”. ¹¹ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).		
Amendment 10 Recital 8				
19	(8) The General Court did not question the technical justification of the conformity factors. Therefore, and given that at the current stage of technological development there is still a discrepancy between emissions measured in real driving and those measured in a laboratory, it is appropriate to introduce the conformity factors	8) The General Court <i>raised doubts as to “whether the Commission’s reliance on possible statistical errors is well founded”, in particular as regards the temporary conformity factor of 2,1 and stated that “statistical uncertainties are corrected by representativeness of the sample or of the testing or by the</i>	(8) The General Court did not question the technical justification of the conformity factors. Therefore, and given that at the current stage of technological development there is still a discrepancy between emissions measured in real driving and those measured in a laboratory, it is appropriate to introduce the conformity factors into Regulation (EC) No 715/2007. <u>The</u>	agree on compromise text “Temporarily” can be interpreted in different ways, depending on the solution in rows 22 and 73 on conformity factors. It can be read as “until post-Euro 6 is in place”. COREPER mandate from 4 November included wording on “transition period” in row 22,

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	into Regulation (EC) No 715/2007.	<i>volume of testing”. Moreover, as regards the introduced margin of technical uncertainty, the Court affirmed that “it is impossible to determine, following an RDE test, whether a vehicle being tested complies with the legal limits or is even close to them”. Any measurement equipment has a margin of technical uncertainty and PEMS equipment, given their use in more variable conditions, has been found to have a somewhat larger margin compared to non-mobile laboratory equipment even though this can in fact mean both over- and under-estimating emissions. Given that at the current stage of technological development there is still a discrepancy between emissions measured in real driving and those measured in a laboratory, it is appropriate to temporarily introduce conformity factors into Regulation (EC) No 715/2007.</i>	<u>provisions on compliance of new vehicles of category N1 class II and III and category N2 with Euro 6 limit values for NOx during any valid RDE test, set out in Commission Regulation (EU) 2017/1151, are closely linked to the conformity factors. They should also be introduced into Regulation (EC) No 715/2007 in order to ensure legal certainty. Such provisions are necessary in order to allow approval authorities and manufacturers to put in place the procedures needed to comply with the requirements of Regulation (EC) No 715/2007, as well as to follow as much as possible the established calendar for the application of emissions requirements.</u>	<i>so the compromise in this row should be acceptable.</i> <u>Compromise text:</u> (8) The General Court did not question the technical justification of the conformity factors. Therefore, and Given that at the current stage of technological development there is still a discrepancy between emissions measured in real driving and those measured in a laboratory, it is appropriate to <u>temporarily</u> introduce the conformity factors into Regulation (EC) No 715/2007. <i>Council amendment concerning N1 and N2 category vehicles not necessary anymore, see row 63.</i>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
Amendment 11 Recital 8 a (new)				
20		<i>(8a) The European Parliament's resolution of 28 March 2019 on recent developments in the 'Dieselgate' scandal welcomed the ruling of the General Court, and explicitly asked the Commission not to introduce any new conformity factor in order to ensure Euro 6 standards are not further diluted and are instead met under normal conditions of use, as originally provided for in Regulation (EC) No 715/2007.</i>		Package deal with rows 38+50. <u>Compromise text:</u> (8a) The European Parliament's resolution of 28 March 2019 on recent developments in the 'Dieselgate' scandal welcomed the ruling of the General Court, and explicitly asked the Commission not to introduce any new conformity factor in order to ensure Euro 6 standards are not further diluted and are instead met under normal conditions of use, as originally provided for in Regulation (EC) No 715/2007, <u>through designing test procedures that reflect real driving emissions.</u>
21			<u>(8a) In accordance with Commission Regulation (EU) 2017/1154, small-volume manufacturers have been provided with extra time to fully</u>	<u>DELETED.</u>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
			<u>meet the not-to-exceed limits, while specific provisions apply to ultra-small-volume manufacturers since they contribute only marginally to the total emissions of the light passenger and commercial vehicle fleet. Given that those provisions are also closely linked to the conformity factors, Regulation (EC) No 715/2007 should be amended in order to ensure legal certainty by empowering the Commission to lay down the specific procedures, tests and requirements for type-approval relating to small-volume and ultra-small-volume manufacturers.</u>	
Amendment 12 Recital 9				
22	(9) In order to allow manufacturers to comply with the Euro 6 emission limits in the context of RDE test procedure, the compliance criteria for RDE should be introduced in two	(9) In order to allow manufacturers to comply with the Euro 6 emission limits in the context of <i>the</i> RDE test procedure, the compliance criteria for RDE should be	In order to allow manufacturers to comply with the Euro 6 emission limits in the context of RDE test procedure, the compliance criteria for RDE should be <u>were</u> introduced in two steps. During	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	steps. During the first step, upon the request of the manufacturer, a temporary conformity factor should apply, while as a second step only the final conformity factor should be used. The Commission should keep under review the final conformity factors in light of technical progress.	introduced in two steps. During the first step, upon the request of the manufacturer, a temporary conformity factor should apply, while as a second step only the final conformity factor should be used. <i>The final conformity factor should apply during a transition period and include a margin expressing the additional measurement uncertainty linked with the introduction of the PEMS.</i> The Commission should <i>continuously assess that conformity factor</i> in light of technical progress <i>and annually adjust it downwards on the basis of scientific evidence, the improved accuracy of the measuring procedure and technical progress of the PEMS.</i> <i>The conformity factor should be gradually lowered and cease to apply by 30 September 2022.</i>	the first step, upon the request of the manufacturer, a temporary conformity factor should apply ^{ies} , while as a second step only the final conformity factor should be ^{is} used. The Commission should keep under review the final conformity factors in light of technical progress.	

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
Amendment 13 Recital 9 a (new)				
23		<i>(9a) The Commission should establish by June 2021 at the latest more stringent requirements for PEMS measuring equipment that could be used for RDE tests. The standards established should, where possible, take into account any relevant elements of standardisation developed by CEN based on the best available PEMS equipment.</i>		DELETED
Amendment 14 Recital 9 b (new)				
24		<i>(9b) It is important to emphasise that while this proposal deals with the conformity factor, the issue of the emission limit standards is to be dealt with in the context of the forthcoming post-Euro 6 proposal. In order to ensure swift progress towards the adoption of the future (post -</i>		flexibility to agree on compromise <i>Commission indicated possibility to make declaration on intention to propose post-Euro 6 without conformity factors. It will provide a text, but it is still open which form the declaration will take and when it will happen. No</i>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
		<i>Euro 6) emission limit values and improved air quality for Union citizens, it is essential that the Commission present, where appropriate, a legislative proposal to that effect as soon as possible and at the latest by June 2021, as announced in its communication of 11 December 2019 on "The European Green Deal", which highlights the need to shift to sustainable and smart mobility and ensure a pathway towards zero-emission mobility. No conformity factors should be used in the implementation of the post-Euro 6 standards.</i>		<p><i>timetable for this text yet.</i></p> <p><u>possible compromise text:</u></p> <p>(9b) It is important to emphasise that while this proposal deals with the conformity factor, the issue of the emission limit standards is to be dealt with in the context of the forthcoming post-Euro 6 proposal. In order to ensure swift progress towards the adoption of the future (post - Euro 6) emission limit values and improved air quality for Union citizens, it is essential that the Commission present, where appropriate, a legislative proposal to that effect as soon as possible and at the latest by June 2021, as announced in its communication of 11 December 2019 on "The European Green Deal", which highlights the need to shift to sustainable and smart mobility and ensure a pathway towards zero-emission mobility. No conformity factors should be used in the implementation of the post-Euro 6 standards.</p>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
Amendment 15 Recital 9 c (new)				
25		<i>(9c) In order to encourage the producers to have a proactive, pro-environmental attitude, the new technological innovations meant to absorb NO_x should be tested, quantified and considered in the subsequent revision of Euro standards.</i>		<u>(9c) In the subsequent revision of Euro standards, incentives should be considered in order to encourage the producers to have a proactive and pro-environmental attitude with regard to new technological innovations.</u>
Amendment 16 Recital 10				
26	(10) The Treaty of Lisbon introduced the possibility for the legislator to delegate power to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. The measures which can be covered by delegations of powers, as referred to in Article 290(1) TFEU, correspond in principle to those covered by the regulatory procedure with scrutiny	(10) The Treaty of Lisbon introduced the possibility for the legislator to delegate power to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. The measures which can be covered by delegations of powers, as referred to in Article 290(1) <i>of the Treaty on the Functioning of the European Union (TFEU)</i> , correspond in principle	(10) The Treaty of Lisbon introduced the possibility for the legislator to delegate power to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. The measures which can be covered by delegations of powers, as referred to in Article 290(1) TFEU, correspond in principle to those covered by the regulatory procedure with scrutiny established by Article 5a of	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	<p>established by Article 5a of Council Decision 1999/468/EC¹¹. It is therefore necessary to adapt to Article 290 TFEU the provisions of Regulation (EC) No 715/2007 which provide for the use of the regulatory procedure with scrutiny.</p> <p>¹¹ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).</p>	<p>to those covered by the regulatory procedure with scrutiny established by Article 5a of Council Decision 1999/468/EC¹¹. It is therefore necessary to adapt to Article 290 TFEU the provisions of Regulation (EC) No 715/2007 which provide for the use of the regulatory procedure with scrutiny.</p> <p>¹¹ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).</p>	<p>Council Decision 1999/468/EC¹¹. It is therefore necessary to adapt to Article 290 TFEU the provisions of Regulation (EC) No 715/2007 which provide for the use of the regulatory procedure with scrutiny. <u>The Treaty of Lisbon modified the legal framework governing the powers conferred on the Commission by the legislator, introducing a distinction between powers delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act (delegated acts), and the powers conferred on the Commission to adopt acts to ensure uniform conditions for implementing legally binding Union acts (implementing acts).</u></p> <p>¹¹ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).</p>	

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
Amendment 17 Recital 11				
27	(11) In order to contribute to the achievement of the Union's air quality objectives and to reduce vehicle emissions, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFUE) should be delegated to the Commission in respect of the detailed rules on the specific procedures, tests and requirements for type approval. That delegation should include supplementing Regulation (EC) No 715/2007 by such revised rules as well as the test cycles used to measure emissions; the requirements for the implementation of the prohibition on the use of defeat devices that reduce the effectiveness of emission control systems; the measures necessary for the implementation of the obligation of a manufacturer to provide unrestricted and	(11) In order to contribute to the achievement of the Union's air quality objectives and to reduce vehicle emissions, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the detailed rules on the specific procedures, tests and requirements for type approval. That delegation should include supplementing Regulation (EC) No 715/2007 by such revised rules as well as the test cycles used to measure emissions; the requirements for the implementation of the prohibition on the use of defeat devices that reduce the effectiveness of emission control systems; and the adoption of a revised measurement procedure for particulates. <i>Notwithstanding the short gap between the entry into force of this Regulation and the repeal of the provisions</i>	(11) In order to contribute to the achievement of the Union's air quality objectives and to reduce vehicle emissions, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFUE) should be delegated to the Commission in respect of the detailed rules on the specific procedures, tests and requirements for type approval. That delegation should include supplementing Regulation (EC) No 715/2007 by such revised rules as well as the test cycles used to measure emissions; the requirements for the implementation of the prohibition on the use of defeat devices that reduce the effectiveness of emission control systems; the measures necessary for the implementation of the obligation of a manufacturer to provide unrestricted and standardised access to vehicle repair and	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	<p>standardised access to vehicle repair and maintenance information; the adoption of a revised measurement procedure for particulates. The delegation should further include amending Regulation (EC) No 715/2007 for the purposes of revising the final conformity factors downwards to reflect technical progress in PEMS and recalibrating the particulate mass based limit values and introducing particle number based limit values. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament</p>	<p><i>on repair and maintenance information (RMI) by Regulation (EU) 2018/858, for the purposes of legal certainty and to ensure that all options are available to the legislator, the delegation should also include the measures necessary for the implementation of the obligation of a manufacturer to provide unrestricted and standardised access to vehicle repair and maintenance information.</i> The delegation should further include amending Regulation (EC) No 715/2007 for the purposes of revising the conformity factors downwards to reflect <i>improved quality of the measuring procedure or</i> technical progress in PEMS and recalibrating the particulate mass based limit values and introducing particle <i>number-based</i> limit values. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at</p>	<p>maintenance information; <u>as well as of</u> the adoption of a revised measurement procedure for particulates. The delegation should further include amending Regulation (EC) No 715/2007 for the purposes of revising the final conformity factors downwards to reflect technical progress in PEMS and recalibrating the particulate mass based limit values and introducing particle number based limit values. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission</p>	

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	and the Council should receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 ^{1a} . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. ^{1a} <i>OJ L 123, 12.5.2016, p. 1.</i>	expert groups dealing with the preparation of delegated acts.	
Recital 12				
28	(12) To ensure continuity of implementation in light of technical progress, regulatory procedures with scrutiny pending at the time of the entry into force of this Regulation on which the committee has already delivered			

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	its opinion should be completed in accordance with Article 5a of Decision 1999/468/EC.			
Recital 13				
29	<p>(13) In order to ensure uniform conditions for the implementation of Article 4(2) and (3) of Regulation (EU) No 715/2007, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹².</p> <p>¹² Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>		<p>(13) In order to ensure uniform conditions for the implementation of Article 4(2) and (3) and Article 5(2) and (3) of Regulation (EU) No 715/2007, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹².</p> <p>¹² Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	DELETED
Recital 14				
30	(14) Since the objectives of this			

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	Regulation, namely to lay down rules on emissions from motor vehicles in order to contribute to the achievement of the basic air quality objectives, cannot be sufficiently achieved by the Member States as motor vehicles with a valid type approval may be marketed across national boundaries but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.			
Recital 15				
31	(15) Regulation (EC) No 715/2007 should therefore be amended accordingly,			

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
32	HAVE ADOPTED THIS REGULATION:			
Article 1 – paragraph 1 – introductory part				
33	Article 1 Regulation (EC) No 715/2007 is amended as follows:			
Article 1 – paragraph 1 – point 1 Regulation (EC) No 715/2007 - Article 2(2)				
34	(1) Article 2(2) is replaced by the following: 2. At the manufacturer's request, type approval granted under this Regulation may be extended from vehicles covered by paragraph 1 to M1, M2, N1 and N2 vehicles as defined in Annex II to Directive 2007/46/EC with a reference mass not exceeding 2 840 kg and which meet the requirements of this Regulation.			(1) Article 2(2) is replaced by the following: 2. At the manufacturer's request, type approval granted under this Regulation may be extended from vehicles covered by paragraph 1 to M1, M2, N1 and N2 vehicles as defined in Annex H to Directive 2007/46/EC <u>Article 4 of Regulation EU 2018/858</u> with a reference mass not exceeding 2 840 kg and which meet the requirements of this Regulation.

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	Article 1 – paragraph 1 – point 2 Regulation (EC) No 715/2007 - Article 3			
35	(2) in Article 3, the introductory wording is replaced by the following: “For the purposes of this Regulation, the following definitions shall apply.”;		(2) in Article 3, is amended as follows: (a) the introductory wording is replaced by the following: “For the purposes of this Regulation, the following definitions shall apply.”;	DELETED
36	(2) in Article 3, the introductory wording is replaced by the following: “For the purposes of this Regulation, the following definitions shall apply.”;		(2) in Article 3, is amended as follows: (a) the introductory wording is replaced by the following: “For the purposes of this Regulation, the following definitions shall apply.”;	DELETED
37			<u>(b) the following definitions are introduced:</u>	DELETED
38			<u>“18. ‘real driving emissions (RDE)’ means the emissions of a vehicle under its normal conditions of use;</u>	agree to drop Council amendment <i>Linked to rows 20 and 50. EP</i>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
				<p>would accept compromise text in row 20 and drop amendment in row 50, if Council drops amendment in row 35 -38.</p> <p>RDE definition stays in COM Regulation 2017/1151.</p>
39			<p>19. ‘small-volume manufacturer’ means a manufacturer whose worldwide annual production is less than 10 000 units for the year prior to the one for which the type approval is granted and:</p> <p><u>(a) is not part of a group of connected manufacturers; or</u></p> <p><u>(b) is part of a group of connected manufacturers whose worldwide annual production is less than 10 000 units for the year prior to the one for which the type approval is granted; or</u></p> <p><u>(c) is part of a group of connected manufacturers but operates its own production facilities and own design centre;</u></p>	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
40			<u>20. ‘own production facility’ means a manufacturing or assembly plant used by the manufacturer for the purpose of manufacturing or assembling new vehicles for that manufacturer, including, where relevant, vehicles which are intended for export;</u>	DELETED
41			<u>21. ‘own design centre’ means a facility in which the whole vehicle is designed and developed, and which is under the control and use of the manufacturer;</u>	DELETED
42			<u>22. ‘ultra-small-volume manufacturers’ means a small-volume manufacturer as defined in point 19 which has registrations of less than 1 000 in the Union for the year prior to the one the type approval is granted”;</u>	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
Amendment 18 Article 1 – paragraph 1 – point 3 - introduction and point (a) Regulation (EC) No 715/2007 - Article 4(1)				
43	(3) Article 4 is amended as follows:			
44	(a) paragraph 1 is replaced by the following:			
45	(a) paragraph 1 is replaced by the following: “1. Manufacturers shall demonstrate that all new vehicles sold, registered or put into service in the Community are type approved in accordance with this Regulation. Manufacturers shall also demonstrate that all new replacement pollution control devices requiring type approval which are sold or put into service in the Community are type approved in accordance with this Regulation.		1. Manufacturers shall demonstrate that all new vehicles sold, registered or put into service in the Community Union are type approved in accordance with this Regulation. Manufacturers shall also demonstrate that all new replacement pollution control devices requiring type approval which are sold or put into service in the Community Union are type approved in accordance with this Regulation.	
46	Those obligations include meeting the emission limits set out in Annex I. For the purposes	Those obligations include complying with the emission limits set out in Annex I. For the	Those obligations include meeting compliance with the emission limits set out in Annex I. For the	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	of determining compliance with the Euro 6 emission limits set out in Table 2 of Annex I, the emission values determined during any valid Real Driving Emissions (RDE) test shall be divided by the applicable conformity factor set out in Table 2a of Annex I. The result shall remain below the Euro 6 emission limits set out in Table 2 of that Annex.	purposes of determining compliance with the Euro 6 emission limits set out in Table 2 of Annex I, the emission values determined during any valid Real Driving Emissions (RDE) test shall be divided by the applicable conformity factor <i>as</i> set out in Table 2a of Annex I. The result shall remain below the Euro 6 emission limits set out in Table 2 of that Annex. <i>The conformity factor shall be gradually lowered through annual downward revisions, based on assessments by the JRC. The conformity factor shall cease to apply by 30 September 2022.</i>	purposes of determining compliance with the Euro 6 emission limits set out in Table 2 of Annex I, the emission values determined during any valid Real Driving Emissions (RDE) test shall be divided by the applicable conformity factor set out in Table 2a of Annex I. The result shall remain below <u>comply with</u> the Euro 6 emission limits set out in Table 2 of that Annex.	
Article 1 – paragraph 1 – point 3 - point (b) Regulation (EC) No 715/2007 - Article 4(4)				
47	(b) paragraph 4 is replaced by the following: “4. The Commission shall, by means of implementing acts, establish the specific procedures and requirements referred to in			

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	paragraphs 2 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2). ”;			
Amendment 19 Article 1 – paragraph 1 – point 4 - introduction and point (a) Regulation (EC) No 715/2007 - Article 5(1)				
48	(4) Article 5 is amended as follows:			
49	(a) paragraph 1 is replaced by the following:			
50	“1. The manufacturer shall equip vehicles so that the components likely to affect emissions are designed, constructed and assembled so as to enable the vehicle, in normal use, to comply with this Regulation.”;	1. The manufacturer shall equip vehicles so that the components likely to affect emissions are designed, constructed and assembled so as to enable the vehicle, in normal use, to comply with this Regulation. <i>The manufacturer shall also guarantee the reliability of the pollution control devices and shall aim to reduce the risk of theft of these devices or tampering therewith.</i>		agree on Commission text <i>Linked to rows 20 and 38. EP would accept compromise text in row 20 and drop amendment in row 50, if Council drops amendment in row 38.</i>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
Article 1 – paragraph 1 – point 4 - point (b) Regulation (EC) No 715/2007 - Article 5(3)				
51	(b) in paragraph 3, the introductory sentence is replaced by the following:		(b) in paragraph 3, the introductory sentence is replaced by the following:	DELETED
52	“3. The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to supplement paragraphs 1 and 2 by laying down specific requirements and developing the specific procedures, tests and requirements for type-approval set out in this paragraph relating to in particular:”;		<p>3. The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to supplement paragraphs 1 and 2 by laying down <u>shall, by means of implementing acts, lay down the</u> specific requirements <u>for the implementation of paragraph 2 as well as</u> and developing the specific procedures, tests and requirements for type-approval set out in this paragraph relating to in particular:</p> <p><u>(a) tailpipe emissions, including test cycles, low ambient temperature emissions, emissions at idling speed, smoke opacity and correct functioning and regeneration of after-treatment systems;</u></p> <p><u>(b) evaporative emissions and</u></p>	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
			<u>crankcase emissions;</u> <u>(c) OBD systems and in-use performance of pollution control devices;</u> <u>(d) durability of pollution control devices, replacement pollution control devices, in-service conformity, conformity of production and roadworthiness;</u> <u>(e) measurement of greenhouse gas emissions and fuel consumption;</u> <u>(f) hybrid vehicles and alternative fuel vehicles;</u> <u>(g) extension of type approvals;</u> <u>(ga) small-volume manufacturers and ultra-small-volume manufacturers, including phasing-in of those procedures, tests and requirements;</u> <u>(h) test equipment;</u>	

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
			<p><u>(i) reference fuels, such as petrol, diesel, gaseous fuels and biofuels, such as bioethanol, biodiesel and biogas;</u></p> <p><u>(j) measurement of engine power.</u></p> <p><u>The above requirements shall be updated to adequately reflect inter alia real driving emissions and, where relevant, apply to vehicles regardless of the type of fuel by which they are powered.</u></p> <p><u>The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 15(2).</u></p>	
Article 1 – paragraph 1 – point 5 Regulation (EC) No 715/2007 - Article 6(7) - second sentence				
53	(5) — in Article 6(7), the second sentence is replaced by the following:			Deletion agreed

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
54	“In the event that such information is not yet available, or does not yet conform to this Regulation at that point in time, the manufacturer shall provide it within six months from the date of type approval.”;			Deletion agreed
Amendment 20 Article 1 – paragraph 1 – point 6 Regulation (EC) No 715/2007 - Article 8				
55	(6) — Article 8 is replaced by the following:			Deletion agreed
56	“Article 8 <i>Delegated acts on access to vehicle repair and maintenance information</i> The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to supplement Articles 6 and 7. This shall include the definition and updating of technical specifications relating	“Article 8 <i>Delegated acts on access to vehicle repair and maintenance information</i> The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to supplement Articles 6 and 7. This shall include the definition and updating of technical specifications relating to the way in which OBD and	“Article 8 <i>Delegated acts on access to vehicle repair and maintenance information</i> The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to supplement Articles 6 and 7. This shall include by establishing the definition and updating of technical specifications relating to the way	Deletion agreed

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	to the way in which OBD and vehicle repair and maintenance information shall be provided, with special attention being paid to the specific needs of SMEs.”;	vehicle repair and maintenance information shall be provided, with special attention being paid to the specific needs of SMEs, <i>micro-enterprises and self-employed operators.</i> ”;	in which OBD and vehicle repair and maintenance information shall be provided, with special attention being paid to the specific needs of SMEs.”;	
Article 1 – paragraph 1 – point 7– introduction and point (a) Regulation (EC) No 715/2007 - Article 10(1)				
57	(7) Article 10 is amended as follows:			
58	(a) paragraph 1 is replaced by the following:			
59	1. With effect from 2 July 2007, if a manufacturer so requests, the national authorities may not, on grounds relating to emissions or fuel consumption of vehicles, refuse to grant EC type approval or national type approval for a new type of vehicle, or prohibit the registration, sale or entry into service of a new vehicle, where			

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	the vehicle concerned complies with this Regulation, and in particular with the Euro 5 limit values set out in Table 1 of Annex I or with the Euro 6 limit values set out in Table 2 of Annex I, subject to the second subparagraph of Article 4(1).			
Amendment 21 and 22 Article 1 – paragraph 1 – point 7– point (b) Regulation (EC) No 715/2007 - Article 10(4) and (5)				
60	(b) paragraphs 4 and 5 are replaced by the following:			DELETED
61	“4. With effect from 1 September 2014, and from 1 September 2015 in the case of category N1 class II and III and category N2 vehicles, the national authorities shall refuse, on grounds relating to emissions or fuel consumption, to grant EC type approval or national type approval for new types of vehicle which do not comply with this Regulation, and in	“4. With effect from 1 September 2014, and from 1 September 2015 in the case of category N1 class II and III and category N2 vehicles, the national authorities shall refuse, on grounds relating to emissions or fuel consumption, to grant EC type approval or national type approval for new types of vehicle which do not comply with this Regulation, and in		DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	<p>particular with the Euro 6 limit values set out in Table 2 of Annex I.</p> <p>The compliance with the Euro 6 limit values shall, during any valid RDE test, be determined by taking into account the pollutant-specific conformity factor set out in Table 2a of Annex I in accordance with the second subparagraph of Article 4(1).</p>	<p>particular with the Euro 6 limit values set out in Table 2 of Annex I.</p> <p>The compliance with the Euro 6 limit values shall, during any valid RDE test, be determined by taking into account the pollutant-specific conformity factor set out in Table 2a of Annex I, in accordance with the second subparagraph of Article 4(1). <i>The conformity factor shall be gradually lowered through annual downward revisions based on assessments by the JRC. The conformity factor shall cease to apply by 30 September 2022.</i></p>		
62	<p>5. With effect from 1 September 2015, and from 1 September 2016 in the case of category N1 class II and III and category N2 vehicles, national authorities shall, in the case of new vehicles which do not comply with this Regulation, and in particular with the Euro 6 limit values set</p>	<p>5. With effect from 1 September 2015, and from 1 September 2016 in the case of category N1 class II and III and category N2 vehicles, national authorities shall, in the case of new vehicles which do not comply with this Regulation, and in particular with the Euro 6 limit values set</p>	<p>5. With effect from 1 September 2015, and from 1 September 2016 in the case of category N1 class II and III and category N2 vehicles, national authorities shall, in the case of new vehicles which do not comply with this Regulation, and in particular with the Euro 6 limit values set</p>	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	<p>out in Table 2 of Annex I, ["as determined in accordance with the second subparagraph of paragraph 4",] consider certificates of conformity to be no longer valid for the purposes of Article 18 of Directive 2007/46/EC and shall, on grounds relating to emissions or fuel consumption, prohibit the registration, sale or entry into service of such vehicles.</p> <p>The compliance with the Euro 6 limit values shall, during any valid RDE test, be determined by taking into account the pollutant-specific conformity factor set out in Table 2a of Annex I in accordance with the second subparagraph of Article 4(1).";</p>	<p>out in Table 2 of Annex I, ["as determined in accordance with the second subparagraph of paragraph 4",] consider certificates of conformity to be no longer valid for the purposes of Article 18 of Directive 2007/46/EC and shall, on grounds relating to emissions or fuel consumption, prohibit the registration, sale or entry into service of such vehicles.</p> <p>The compliance with the Euro 6 limit values shall, during any valid RDE test, be determined by taking into account the pollutant-specific conformity factor set out in Table 2a of Annex I, in accordance with the second subparagraph of Article 4(1). <i>The conformity factor shall be gradually lowered through annual downward revisions based on assessments by the JRC. The conformity factor shall cease to apply by 30 September 2022.</i>";</p>	<p>out in Table 2 of Annex I, [as determined in accordance with the second subparagraph of paragraph 4",] consider certificates of conformity to be no longer valid for the purposes of Article 18 of Directive 2007/46/EC and shall, on grounds relating to emissions or fuel consumption, prohibit the registration, sale or entry into service of such vehicles.</p> <p>The compliance with the Euro 6 limit values shall, during any valid RDE test, be determined by taking into account the pollutant-specific conformity factor set out in Table 2a of Annex I in accordance with the second subparagraph of Article 4(1).";</p>	

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
63			<u>New vehicles of category N1 class II and III and category N2 shall not be required to comply with Euro 6 limit values for NOx during any valid RDE test until 4 years after the date specified in the first subparagraph.”;</u>	<p>drop Council amendment</p> <p><i>This new subparagraph makes reference to the date in the first subparagraph of Article 10 para 5. The date is 1 September 2016. Therefore, the transitional period in this new subparagraph already ended on 1 September 2020.</i></p> <p><i>The new requirements (in particular, the new conformity factor) will apply when the proposal we are currently discussing enters into force, sometime next year. EU legislation is not retroactive, unless explicit provision to the contrary is made. No retroactivity is proposed here.</i></p> <p><i>Moreover, the General Court has explicitly ruled that, for legal certainty purposes, the NOx conformity factors initially laid down in Commission Regulation 2016/646 were still valid both for "the past" (i.e. until the GC</i></p>

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
				<i>judgment takes effect, which is not the case yet given the pending appeal) and for "the future" (i.e. 12 months after the judgment on appeal).</i>
Article 1 – paragraph 1 – point 8 Regulation (EC) No 715/2007 - Article 11(1)				
64	(8) Article 11(1) is replaced by the following:			
65	1. For new replacement pollution control devices intended to be fitted on vehicles approved under this Regulation, national authorities shall prohibit their sale or installation on a vehicle if they are not of a type in respect of which a type approval has been granted in compliance with this Regulation.			
Article 1 – paragraph 1 – point 9 Regulation (EC) No 715/2007 - Article 12(1) – subparagraph 1				
66	(9) in Article 12(1), the first subparagraph is replaced by the			

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	following:			
67	1. Member States may make provision for financial incentives that apply to vehicles in series production which comply with this Regulation.			
Amendment 23 Article 1 – paragraph 1 – point 10 Regulation (EC) No 715/2007 - Article 14(2), (3), (3a) new and (7) new				
68	(10) in Article 14, paragraphs 2 and 3 are replaced by the following:		(10) in Article 14, <u>is amended as follows:</u>	DELETED
69			<u>(a)</u> paragraphs 2 and 3 are is replaced by the following:	DELETED
70	2. The Commission is empowered to adopt delegated acts in accordance with Article 14a in order to adopt the following measures based on the results of the UNECE Particulate Measurement Programme, conducted under the auspices of the World Forum for Harmonisation of Vehicle			

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	Regulations, without lowering the level of environmental protection within the Union:			
71	(a) amend this Regulation for the purposes of reviewing the particulate mass and particle number limit values set out in Annex I;		(a) amend this Regulation for the purposes of reviewing the particulate mass and particle number limit values set out in Table 2 of Annex I;	Council amendment accepted
72	(b) supplement this Regulation by the adoption of a revised measurement procedure for particle numbers.			
73	<p>3. The Commission is empowered to adopt delegated acts in accordance with Article 14a:</p> <p>(a) supplementing this Regulation in order to adapt the procedures, tests and requirements as well as the test cycles used to measure emissions in order to adequately reflect real driving emissions;</p> <p>(b) amending this Regulation</p>	<p>3. The Commission shall adopt no later than 1 June 2021 delegated acts in accordance with Article 14a supplementing this Regulation in order to adapt the procedures, tests and requirements as well as the test cycles used to measure emissions in order to adequately reflect real driving emissions under normal conditions of use, including inter alia temperature and boundary conditions, lowering the zero response drift and</p>		

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	in order to adapt to technical progress the pollutant-specific <i>final</i> conformity factors set out in Table 2a to Annex I.	<p><i>addressing hazardous spikes in particles resulting from filter cleaning, taking into account any relevant elements of standardisation developed by CEN and based on best available equipment.</i></p> <p><i>3a. The Commission is empowered to adopt delegated acts in accordance with Article 14a</i> amending this Regulation in order to adapt to technical progress <i>and review downwards</i> the pollutant-specific conformity factors set out in Table 2a to Annex I.</p>		
74			(e) the following paragraph 7 is added:	DELETED
75			“7. The Commission shall keep under review the technical progress with regard to the measurement uncertainties linked with the use of the Portable Emission Measurement System (PEMS). By two years after the date of application, and every two years thereafter, the	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
			<u>Commission shall submit to the European Parliament and to the Council a report on the undertaken review and, as appropriate, a legislative proposal with a view to revising downwards the value of the margin of measurement uncertainty of the pollutant-specific final conformity factors set out in Table 2a to Annex I.”</u>	
Article 1 – paragraph 1 – point 11 Regulation (EC) No 715/2007 - Article 14 a (new)				
76	(11) the following Article 14a is inserted:			
77	Article 14a Exercise of the delegation 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			
78	2. The power to adopt delegated acts referred to in Article 5(3), Article 8 and Article 14(2) and (3) shall be conferred		2. The power to adopt delegated acts referred to in Article 5(3) , Article 8 and Article 14(2) and (3) shall be conferred on	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	on the Commission for a period of five years from ... [date of entry into force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		the Commission for a period of five years from ... [date of entry into force]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
79	3. The delegation of power referred to in Article 5(3), Article 8 and Article 14(2) and (3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It		3. The delegation of power referred to in Article 5(3) , Article 8 and Article 14(2) and (3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	shall not affect the validity of any delegated acts already in force.		acts already in force.	
80	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.			
81	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
82	6. A delegated act adopted pursuant to Article 5(3), Article 8 and Article 14(2) and (3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry		6. A delegated act adopted pursuant to Article 5(3) , Article 8 and Article 14(2) and (3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period,	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
	of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.”;		the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.”;	
Article 1 – paragraph 1 – point 12 Regulation (EC) No 715/2007 - Article 15				
83	(12) Article 15 is replaced by the following:			
84	<p>“Article 15 <i>Committee procedure</i></p> <p>1. The Commission shall be assisted by the committee referred to in Article 40(1) Directive 2007/46/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.”;</p>		<p>“Article 15 <i>Committee procedure</i></p> <p>1. The Commission shall be assisted by the committee referred to in Article 40(1) Directive 2007/46/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <p><u>Where the committee delivers</u></p>	DELETED

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
			<u>no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</u> ”;	
Article 1 – paragraph 1 – point 13				
85	(13) Annex I is amended in accordance with the Annex to this Regulation.			
Article 2				
86	This Regulation shall not affect pending procedures under Article 5(3), Article 8 and Article 14(2) and (3) of Regulation (EC) No 715/2007 in which the committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC.			
Article 3				
87	This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.			

Rows	Commission proposal	EP Position Plenary vote 17/09/2020	Council Position Council mandate 11/12/2019	PCY mandate + comments
88	This Regulation shall be binding in its entirety and directly applicable in all Member States.			

ANNEX

Annex to the four-column table

Commission proposal

In Annex I to Regulation (EC) No 715/2007, the following Table 2a is inserted:

“Table 2a

Real Driving Emissions Conformity Factors

	Oxides of nitrogen (NO _x)	Number of particles (PN)	Carbon monoxide (CO) ⁽¹⁾	Total hydrocarbons (THC)	Combined hydrocarbons and oxides of nitrogen (THC + NO _x)
$CF_{pollutant-final}^{(2)}$	1,43	1,5	-	-	-
$CF_{pollutant-temp}^{(3)}$	2,1	1,5	-	-	-

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

⁽²⁾ $CF_{pollutant-final}$ is the conformity factor used to determine compliance with the Euro 6 emission limits by taking into account the technical uncertainties linked with the use of the Portable Emission Measurement Systems (PEMS).

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

EP Position
Amendment 24
Annex – paragraph 1
Regulation (EC) No 715/2007 – Annex I – table 2a

In Annex I to Regulation (EC) No 715/2007, the following Table 2a is inserted:

“Table 2a

Real Driving Emissions Conformity Factors

	Oxides of nitrogen (NO _x)	Number of particles (PN)	Carbon monoxide (CO) ⁽⁴⁾	Total hydrocarbons (THC)	Combined hydrocarbons and oxides of nitrogen (THC + NO _x)
$CF_{pollutant-final}^{(2)}$	1,43 1 + margin (margin = 0,32*)	1,5 1 + margin (margin = 0,5*)	-	-	-
$CF_{pollutant-temp}^{(3)}$	2,1	1,5	-	-	-

*** to be revised downwards at least annually on the basis of regular assessments of the Joint Research Centre**

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

⁽²⁾ $CF_{pollutant-final}$ is the conformity factor used to determine compliance with the Euro 6 emission limits ***under a transitional period*** by taking into account the ***additional*** technical ***measurement*** uncertainties linked with the ~~use~~***introduction*** of the Portable Emission Measurement Systems (PEMS). ***It is expressed as 1 + a margin of measurement uncertainty. By 30 September 2022 the margin shall be zero, and the conformity factor shall cease to apply.***

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

Council position - General approach 11/12/2019

In Annex I to Regulation (EC) No 715/2007, the following Table 2a is inserted:

“Table 2a
Real Driving Emissions Conformity Factors

	Oxides of nitrogen (NO _x)	Number of particles (PN)	Carbon monoxide (CO) ⁽¹⁾	Total hydrocarbons (THC)	Combined hydrocarbons and oxides of nitrogen (THC + NO _x)
$CF_{pollutant-final}$ (2)	1,43 <u>1 + margin</u> <u>(margin = 0,43)</u>	1,5 <u>1 + margin</u> <u>(margin =</u> <u>0,5)</u>	-	-	-
$CF_{pollutant-temp}$ (3)	2,1	1,5	-	-	-

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

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

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

Compromise text:

In Annex I to Regulation (EC) No 715/2007, the following Table 2a is inserted:

“Table 2a

Real Driving Emissions Conformity Factors

	Oxides of nitrogen (NO _x)	Number of particles (PN)	Carbon monoxide (CO) ⁽⁵⁾	Total hydrocarbons (THC)	Combined hydrocarbons and oxides of nitrogen (THC + NO _x)
$CF_{pollutant-final}^{(2)}$	1,43 1 + margin (margin =0,32*)	1,5 1 + margin (margin =0,5*)	1	1	1
$CF_{pollutant-temp}^{(3)}$	2,1	1,5	1	1	1

DELETED

⁽⁴⁾ CO emissions shall be measured and recorded for all RDE tests.

DELETED

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