

**Opinion of the European Economic and Social Committee on the 'Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 715/2007 and (EC) No 595/2009 as regards the reduction of pollutant emissions from road vehicles'**

COM(2014) 28 final — 2014/0012 (COD)

(2014/C 311/08)

Rapporteur-General: **Virgilio Ranocchiarì**

On 6 and 18 February 2014 respectively, the European Parliament and the Council decided to consult the European Economic and Social Committee, under Article 114 of the Treaty on the Functioning of the European Union, on the

*Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 715/2007 and (EC) No 595/2009 as regards the reduction of pollutant emissions from road vehicles*

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Given the urgent nature of the work, the European Economic and Social Committee appointed Mr Ranocchiarì as rapporteur-general at its 498th plenary session, held on 29 and 30 April (meeting of 29 April), and adopted the following opinion by 158 votes to 2 with 5 abstentions.

## 1. Conclusions and recommendations

1.1 The EESC has always supported any measures that, also in the light of technological developments, contribute to reducing pollutant emissions and, more generally, to improving air quality.

1.2 The proposal under consideration nevertheless raises a number of concerns with respect to the method and timeframes for achieving these reductions, as explained further on in the opinion.

1.3 In particular, the EESC notes the lack, or sometimes total absence, of an adequate impact assessment on some of the measures envisaged. These shortcomings and omissions are in stark contradiction with the principle of 'smart regulation' so often reiterated in the context of these and other issues of considerable social, economic and environmental importance.

1.4 Similar concerns are raised by the overuse of delegated acts for matters that, given their importance, cannot possibly be perceived as 'non-essential elements' of a regulation and, therefore, as falling into the category of delegated acts.

1.5 The EESC therefore recommends:

— not using delegated acts in cases where the findings of studies already carried out by the Commission or UNECE <sup>(1)</sup> make it possible to apply the envisaged measures immediately (e.g. raising the mass for certain light vehicles and excluding gas-fuelled vehicles from the measurement of ammonia).

— carrying out clear and detailed impact assessments for all the other measures envisaged that are lacking in this respect, but which are nevertheless to be developed through delegated acts.

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<sup>(1)</sup> United Nations Economic Commission for Europe.

1.6 As suggested above, the EESC believes that this would enable the co-legislators to carry out a more informed, comprehensive and transparent assessment of the proposal, which would at least alleviate, if not obviate, the abovementioned concerns.

## 2. The Commission proposal

2.1 The purpose of this proposal is to introduce a number of amendments to two regulations in force:

- 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);
- Regulation (EC) No 595/2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI).

2.2 Through this proposal, the Commission seeks to reduce pollutant emissions, and to introduce a number of provisions to simplify the legislation in force.

2.3 With regard to light passenger and commercial vehicles (LD vehicles), the most important changes are set out below.

2.3.1 Methane will be added to the current evaluation of CO<sub>2</sub> emissions, which will now constitute new information, expressed as the total mass of CO<sub>2</sub> equivalents. This measure would also enable a review of the total hydrocarbons (THC) emission limits which currently include methane (CH<sub>4</sub>) emissions and non-methane hydrocarbons (NMHC), thus deregulating the specific evaluation of methane emissions. This should facilitate the market entry of natural gas vehicles, for which compliance with THC limits would otherwise be difficult.

2.3.2 The limits for tailpipe emissions at cold temperatures (Euro 6) will be revised.

2.3.3 A separate limit value for emissions of NO<sub>2</sub> (nitrogen dioxide), hitherto included as a share of total nitrogen oxide emissions (NO<sub>x</sub>), will be established.

2.3.4 The method for measuring particulate matter will be reviewed and will also introduce a new cap on the number of particles it is composed of.

2.3.5 The provisions on access to vehicle repair and maintenance information will be revised, with special attention to the specific needs of SMEs.

2.4 The most important changes for heavy duty vehicles (HD vehicles) are as follows.

2.4.1 The maximum mass limit will be redefined in order to extend the application of legislation concerning LD vehicle emissions (Regulation (EC) No 715/2007) to vehicles which, due to their equipment variants, could be covered by both LD and HD vehicle legislation, to avoid the need for double emissions certification for the same vehicle. This would enable these vehicles to reach a Gross Vehicle Mass (GVM) of 5 000kg without lowering the level of environmental protection.

2.4.2 The emission limit set for ammonia (NH<sub>3</sub>) currently applies to all HD vehicles. In fact, the risk of ammonia slip (ammonia used in emission control systems) concerns diesel vehicles which use these particular systems. Engines that run on petrol or natural gas do not present this risk and the Commission intends to remove this limit for the undoubtedly more ecological CNG-fuelled buses and HD vehicles (i.e. powered by compressed natural gas), which would otherwise be subject to significant and unnecessary additional costs.

2.5 In order to achieve this, the Commission has requested the power to adopt delegated acts for an indeterminate period of time from the date of the regulation's entry into force.

### 3. General comments

3.1 The EESC cannot but express its doubts regarding this proposal's form and the arrangements and timeframe for its implementation.

3.2 First of all, the very structure of the regulation, which merges the various legislative amendments for LD and HD vehicles into a single act, does not reflect the tenets of 'smart and transparent regulation', which was one of the key commitments set out in CARS 21 <sup>(2)</sup> and reiterated in CARS 2020, for which work is still in progress <sup>(3)</sup>.

3.3 There are many cases where the impact assessment accompanying the proposal would appear to be lacking or altogether absent from the proposed measures, which will however have a significant impact on the price of vehicles.

3.4 Once again, the Commission has requested the power to adopt delegated acts (about ten) in accordance with Article 290 of the TFEU and, in so doing, reduces the practical content of the legislative act, i.e. the regulation.

3.4.1 It should be added that some of the issues in the proposal for which the use of delegated acts is envisaged concern vehicle emissions and their limits. These issues have always been decided by the co-legislator precisely because of their importance and it is difficult to see how they can be considered as 'non-essential elements' of a regulation and, therefore, as falling into the category of delegated acts.

3.4.2 The EESC has often pointed out in its opinions that delegated acts are used far too frequently and summed up the problems this created in a recent report <sup>(4)</sup> which drew attention to the Commission's increasing leeway in this area, questioning the transparency of the system, the correct use of the procedure and the effectiveness of the control mechanisms.

### 4. Specific comments

4.1 The EESC has serious doubts about including methane (CH<sub>4</sub>) as a CO<sub>2</sub> equivalent (see point 2.3.1) since this would involve reviewing the current rules on CO<sub>2</sub> (Regulation (EC) No 443/2009 and Regulation (EU) No 510/2011). The objectives indicated in these regulations were set without taking into account CO<sub>2</sub> equivalents, the possible introduction of which would require an accurate impact assessment to ensure a proper review of these regulations. The inclusion of CO<sub>2</sub> equivalents would also have consequences for consumers, both in terms of taxation in Member States where this is based on CO<sub>2</sub> emissions and the risk of confusing users who are accustomed to the current CO<sub>2</sub> labelling system. This would all be done to achieve marginal variations in the values currently measured as CO<sub>2</sub> equivalents (an increase of less than 1 g/km) and would introduce significant complications to monitoring.

4.2 With regard to tailpipe emissions at cold temperatures (point 2.3.2), the EESC recommends that the review of the limits should be preceded by a detailed impact assessment for carbon monoxide (CO) and hydrocarbons (HC), and not just for nitrogen oxides (NO<sub>x</sub>) and nitrogen dioxide (NO<sub>2</sub>).

4.3 Even in the case of nitrogen dioxide (point 2.3.3), which is a very significant pollutant, particularly in urban areas, the decision to set a specific limit through delegated acts should be supported by a detailed impact assessment.

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<sup>(2)</sup> CARS 21: A Competitive Automotive Regulatory Framework for the 21st Century (COM(2007) 22 final).

<sup>(3)</sup> CARS 2020: Action Plan for a competitive and sustainable automotive industry in Europe (COM (2012) 636 final).

<sup>(4)</sup> Information Report on 'Better Regulation: Implementing acts and delegated acts' (INT/656, 18 September 2013).

4.4 With regard to revising the measurement of particulates (point 2.3.4), the EESC notes that when a particle number limit value was introduced (Commission Regulation (EC) No 692/2008), the particulate mass limit was reduced from 5,0 mg/km to 4,5 mg/km, specifically in order to ensure that it was consistent with the number of particles. The proposal therefore seems to be unjustified and in contradiction with a recent statement by the UNECE working party<sup>(5)</sup> (in which the Commission participates) to the effect that procedures relating to particulates do not need to be reviewed.

4.5 With regard to access to information (point 2.3.5), the EESC points out that according to Article 9 of Regulation (EC) 715/2007, the Commission should have drawn up a report on this issue by 2 July 2011; this report has yet to be submitted. It goes without saying that no decision can be taken on this issue until the Council and the European Parliament have studied this report.

4.6 The EESC welcomes the intention to provide flexibility in terms of emission limits for certain LD vehicles which, once completed, run the risk of falling into the HD category and requiring double type approval (point 2.4.1). The introduction of a GVM of 5000kg seems consistent with the current limit of 2840kg as a reference mass. As a result, there does not seem to be any need to use delegated acts to update the test procedure. Instead, the EESC believes that this long-discussed proposal should come into force with immediate effect, possibly as an interim measure, without resorting to the delegated act procedure. This is because it would only be a short-term measure pending the new WLTP (World Light Duty Test Procedure) due to be adopted by UNECE in Geneva, which will review all test procedures for LD vehicles and will come into force as of 2017.

4.7 Finally, with regard to the proposal to exclude gas-fuelled vehicles from the measurement of ammonia (point 2.4.2), the EESC supports the Commission since it is a matter of correcting a measure that discriminates against vehicles powered by compressed natural gas (CNG). This issue had already been raised during discussions about Regulation (EC) 595/2009 but was then inexplicably left out of the final version of the regulation itself.

Brussels, 29 April 2014

*The President*  
*of the European Economic and Social Committee*  
Henri MALOSSE

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<sup>(5)</sup> The Geneva-based United Nations Economic Commission for Europe, which is responsible, inter alia, for the international standardisation of technical regulations, with the participation of 58 signatory states and the EU (WP 29).