



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Directorate Industrial Transformation and Advanced Value Chains
Unit Automotive and Mobility Industries

Brussels,

Draft Minutes

Meeting of the Working Group on MCWG L-Category vehicles

Brussels, 26-09--2017, 10h00-13h00

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Centre Albert Borschette
(room: AB 4C)
36, Rue Froissart - Brussels

(1) Approval of the draft agenda;

The draft agenda was approved without any modifications.

(2) Approval of the draft minutes of the MCWG meeting of 14-06-2017;

Madam Chair asked the participants if they approved the minutes of the last MCWG meeting which took place on 14 June 2017.

ACEM referred to a statement made by the German delegation under item (3)(b) on the sound levels. The statement concerned the historical reduction of TA limits in Switzerland which resulted in more aftermarket problems. ACEM indicated that they consider this statement important and relevant to be included in the minutes.

Madam Chair indicated that the Commission will liaise with the German delegation and will upload a revised version of the minutes.

The ES representative made a comment regarding the electric range of purely electric vehicles under item (6)(a). The ES representative indicated that ES's position is that even for vehicles with a maximum speed below 50 km/h, the electrical range should be reflected in the technical documentation.

Furthermore, the ES representative made an editorial remark as the preliminary conclusion refers to "fuel range" and "fuel consumption", while it should refer to "electric range" and "electric consumption".

With respect to the editorial remark, Madam Chair indicated that this would be reflected in the revised version of the minutes.

Regarding the first comment of the ES representative, Madam Chair indicated that it does not relate to an issue with the draft minutes but rather entails a discussion on the substance of this item. Therefore, Madam Chair suggested discussing this question under AOB.

(3) Policy studies:

The order of discussion of the agenda points was slightly modified. Points (3)(b), (4)(a) and (b) were dealt with first, then followed by Point (3)(a).

(a) Update on the study on sound level requirements (Euro 5 sound)

The representative of the consortium that is conducting the study presented a progress update with a particular emphasis on the interim CBA results.

ACEM indicated that they have prepared a slide with initial observations which they wish to present to the participants. ACEM pointed out that considering the time they had to analyse the presentation, this slide covers just their main observations.

As a general comment, ACEM would like to know if the final conclusions of the study are to be expected in October 2017. Furthermore, ACEM indicated that they would like to have a more detailed discussion on some points which were not addressed in the presentations.

Regarding specifically the presentation of the interim results of the study, ACEM referred to one of the conclusions of the stakeholder consultation which was presented in March according to which there would be no environmental benefit at all if lowering the TA limits would not be combined with other measures such as enforcement and test procedure changes. ACEM expressed concerns that in their view this conclusion has been ignored in the latest presentation and it has not been reflected in the cost/benefits analysis ("CBA").

ACEM considers the conclusion on page 28 of the presentation of the interim results as being wrong. Instead the conclusion of the stakeholder consultation referred to above should be retained.

Furthermore, ACEM referred again to the so called "Swiss scenario" described by the DE representative during the last MCWG meeting which was also not reflected in the CBA.

A third point raised by ACEM is that the wide variety of vehicle types has not been addressed under the CBA.

Furthermore, ACEM contests the cost assumptions in the CBA for models that are at 1dB or more below the current limits. ACEM emphasises that if you reduce the limit values, you still need this margin. Therefore, in ACEM's view the conclusion that there will be no cost impact for these vehicles is wrong.

Additionally, ACEM does not understand the cost estimates for those values beyond -2dB. There is no sensitivity indication. This would have serious impact on the industry but at the same time it is impossible for ACEM to give a cost estimation.

Finally, ACEM contests the bundling of the "enforcement" and "better off-cycle control" sub-scenarios into one scenario. For ACEM such bundling is a wrong methodology.

The representative of the consortium conducting the study replied to the comments made by ACEM.

The representative pointed out that one of the slides of his presentation clearly points out to the need to combine limit reduction with additional measures in order to make the new limits more effective.

As for the user reactions, the consortium has taken them into account. Should a "Swiss scenario" be likely to happen, there would be a need to quantify this.

Regarding the comment that certain sub-scenarios have been bundled together, the representative of the consortium pointed out to the large number of factors influencing roadside emissions. Tackling each one of them individually would require gathering much more information.

Regarding the wide variety of vehicle types, the representative of the consortium reminded that the Common noise assessment methods for Europe (CNOSSOS) are based on very few types of vehicles. Refining these categories would be both complex and lengthy.

Regarding the CBA assumption for vehicles which are 1db below the limit, the representative of the consortium agreed with ACEM that there is need to have a margin.

Regarding the cost estimates for 5 dB reduction, the representative of the consortium pointed to the fact that there is not enough information available which would allow performing an in-depth cost-estimate within the required timeframe. The biggest sensitivity is for smaller vehicle series. It would be possible to exchange know-how between series.

Finally, the representative of the consortium invited ACEM to share any new points which they consider might change these interim conclusions.

The DE representative stated that the reduction of the limits is the right direction. The DE representative finds that the interim conclusions of the study go more or less in the right direction. Nevertheless, the lower emission limits should be accompanied by additional measures.

The major problem today is that the TA levels are not seen on the street because of manipulation, flexibilities and grey zones. According to the DE representative, the 25% share of non-compliant vehicles which was mentioned in the presentation is actually an accurate value.

Sound level reductions are not accepted by users. Therefore, there is a need to take measures against the existing flexibilities e.g. better ASEP measurement.

The DE representative pointed out to the need to focus on real driving noise testing at partial open throttle, full throttle and cruising. Particular attention should be paid not only to mechanical manipulation but also electrical flap manipulation.

According to the DE representative, a tool to tackle the grey zones can be transposed from the regulation on passenger cars. Values measured outside the ASEP range and outside the tests for type-approval should be more or less similar. A similar measure is needed for L-category vehicles.

Finally, the DE representative pointed out that it is very important for the acceptance that these tools come at the same time in order to be effective. Just lowering the limits would incite the users to install flaps or custom silencers, racing silencers which are much louder. This would have a negative influence and no one would understand that there has actually been a reduction of the limits. In conclusion, there is a need not only to proceed with the reduction of the sound limits, but this should be coupled with tools to limit the misuse of the vehicles.

ACEM pointed out that they share globally the observations made by the DE representative.

Going back to the answers of the representative of the consortium, ACEM acknowledges the difficulties to conduct a precise CBA. Nevertheless, the regulation sets precise limits per category and sometimes per sub-category. ACEA points out that it would be impossible to accept a legislative proposal based on a study which does not go into sufficient level of details.

ACEM is looking forward to the opportunity to have a trilateral meeting with the Commission and the consortium in order to discuss the research findings.

Finally, ACEM contested whether an assessment over 20 years can be considered to be "medium term". Furthermore, ACEM pointed out that if the assessment is limited to 6-7 years then the CBA would be completely reversed.

The NL representative pointed out that there is a need to take an integrated approach. Lowering the limits should be accompanied by additional measures such as the ones pointed out by the DE representative.

Madam Chair noted that there is a need for an integrated approach. The Commission is looking into the possibility to improve the existing UNECE regulations.

Regarding enforcement, Madam Chair reminded that the Commission does not have any competence in this field and therefore the representatives of the Member States should transmit this message to their respective colleagues.

Madam Chair indicated that the Commission does not agree that lowering the sound limits alone would not bring any environmental benefits. It would seem difficult to establish that user behaviour could be enough to offset totally the environmental benefits of the lower limits. Madam Chair invited the participants to share any evidence which would prove otherwise. Just lowering the limit values could be less cost-beneficial indeed but not totally deprived of any environmental benefits.

Madam Chair pointed out that the Commission is of course open for further discussions with ACEM and any other participant.

Finally, Madam Chair agreed that there is a need to differentiate more between the different sub-categories. Any legislative proposal will have to go into such level of differentiation.

The IT representative shared the conclusion of the Commission that there is a need to go into more details with regards to the sub-categories.

The representative of the consortium indicated that the final report of the study will go into much more details than the presentation.

ACEM referred to a comment made by DG ENV at GRB at the beginning of September 2017 on the perception of in motorcycles.

Madam Chair invited ACEM to send specific comments by e-mail and a dedicated bilateral meeting will be organised.

(b) Report to Parliament and Council on the Euro 5 environmental effect study

The Commission informed the participants that the final report of the study has been made available in EU Books.

Regarding the report to the European Parliament and Council, the Inter-Service Consultation has been finalised. The Commission is currently looking into the remarks which were made on the report during the ISC. It is expected that the revised version will be presented to the European Parliament and Council in November.

Madam Chair indicated that at the same time the Commission is working on the revision of the delegated acts and on the proposal for the revision of the co-decision. Therefore, the European Parliament and Council should get the overall package soon.

No questions were raised by the participants.

(4) State of play of amending acts:

(a) Regulation (EU) 168/2013 of the European Parliament and of the Council, and

Comments on the first draft were received by IT, ES, NL, ACEM and CLEPA. Comments on the second draft were received by the Legal Service of the Commission, the Secretariat General of the Commission and by ACEM.

The Commission presented some of the main elements of the updated proposal. The full proposal is made available on CIRCABC. It reflects all the comments received so far.

Madam Chair opened the floor for questions. No questions were raised by the participants.

The DE representative thanked the Commission for the submission of this preliminary draft proposal for a revision of Regulation No 168/2013 and also for the opportunity to discuss this preliminary draft.

The DE representative indicated that DE does not yet have a coordinated position on the detailed contents, but would like to make an initial assessment of the facts of this draft.

DE welcomes the fact that the Commission has carried out a comprehensive analysis of the environmental impact as well as other challenges along the lines of the framework regulation. This also takes account of the corresponding German issues.

After a first review of the results, it can be seen that the new framework regulation and the technical advances in measuring, will lead to significant emission reductions.

The DE representative reminded that DE has always supported the fact that the emission level Euro 5 provides planning security for the industry on the one hand, but also

achieves emission reductions on the other and we therefore welcome the fact that the Euro 5 level is now confirmed again.

Madam Chair pointed out that there are concerns within the Commission regarding the additional lead time to be provided to mini-cars. The relevant Commission services are currently engaged in a discussion and a final decision still remains to be taken.

(b) Commission Regulations (EU) No 134/2014 (REPPR) and No 44/2014 (RVCR);

The Commission presented the latest draft of the amendment to Commission Regulation 44/2014.

Madam Chair invited the participants to carefully examine the latest draft and to point out any potential issues which would need to be addressed.

Madam Chair opened the floor to questions. No questions were raised by the participants.

The Commission presented the latest draft of the amendment to Commission Regulation 134/2014.

In the first draft, the Commission had proposed to include NO_x measurement in Test type I. Following comments received by participants during the previous MCWG, this proposal was removed from the latest draft.

The Commission also presented the expected timeline for the adoption of these amending acts.

ACEM inquired whether this timeline takes into account the quadricycle issue that needs to be resolved. Furthermore, ACEM asked whether the Commission anticipates any problems with regards to the adoption of the acts before the end of the current parliamentary term.

Madam Chair indicated that this is the foreseen timeline. The Commission expects the decision to be finalised soon.

With respect to the European Parliament and Council, it would be impossible to predict with certainty. If they agree with the Commission's approach to keep the changes to the minimum, the interinstitutional negotiations should be smooth and fast. Obviously, if any substantial amendments are proposed, then the discussions would take longer.

It should not be expected that any new proposal would be dealt with by the Parliament if it is submitted after May 2018.

In conclusion, the delegated acts are on track and it is a question of finalisation of the procedure. Regarding the co-decision act, the only outstanding issue is the mini-cars extension.

(5) Any other business

(a) UNECE (Regulation 63)

The Commission presented its proposal for amendments to the UNECE regulations 9, 41 and 63.

CONEBI thanked the Commission for taking into account their considerations regarding UNECE regulation 63.

The IT representative requested whether it is the intention of the Commission to exclude other categories than L1 from the noise regulations.

The Commission pointed out that they are already excluded from the EU regulations. The Commission's proposal is limited to the scope of Regulation 63. It could be foreseen that for the sake of coherence, the other UNECE regulations could be revised.

Madam Chair indicated that, if a legal alignment with UN Regulations is necessary, as electric vehicles of L-category are excluded under the EU regulations, then the EU would submit the relevant proposals to UNECE.

ACEM confirmed that indeed the EU regulation excludes electric vehicles from sound testing.

The issue pinpointed by ACEM is that in the worldwide market, Regulation 41 does not exclude electric vehicles as it is the case in the EU Regulations. It is not universally recognised that such vehicles should be excluded from sound testing. ACEM is open for discussions on this point with worldwide stakeholders at the GRB.

(b) DE proposal to GRB presentation Mr Schuettler

The DE representative gave a presentation on a possible solution to close the gap between TA values and real traffic values.

ACEM thanked the DE representative for the presentation and DE's continuous efforts in the GRB. ACEM appreciates that DE already foresees that UNCECE Regulations 9 and 41 should stand aligned in the future.

Furthermore, ACEM appreciates the proposal to address the vehicles which are pre-Regulation 41 approved so that they do not remain unregulated.

ACEM would further examine the proposals by DE and will come with further comments.

Madam Chair indicated that the Commission fully supports this process. The Commission is willing to organise meetings in order to finalise the draft amendments in order for them to be presented and discussed at the next GRB.

(c) ACEM proposal for an amendment to RAR with respect to Euro 5

ACEM thanked the Commission for preparing the draft proposals for the Euro 5 amendments. ACEM indicated that they see the need to combine this in the future with further administrative provisions.

ACEM indicated that they wish to avoid a problem similar to the one which persisted in the last two years regarding the automatic headlight on.

The IT representative indicated that in principle the suggestion by ACEM can be shared. This has already been done for cars. The IT representative considers that it is reasonable to make this distinction for admin reasons.

The NL representative indicated that they very much welcome this initiative. NL should nevertheless evaluate what adaptations this would entail for their database.

The ES representative also expressed support for this proposal.

(d) Electrical vehicle range for vehicles with a maximum speed below 50km/h

The Commission indicated that the Regulation measures consumption and not range. The measurement is made according to UNECE Regulation 47. According to this test procedure, the measurement should be interrupted if the vehicle's speed drops below 50 km/h. However, the concerned vehicles do not reach speeds beyond this threshold. Therefore, in order to measure the range of such vehicles, it would be necessary to amend the UNECE Regulation 47 alongside EU Regulation 168/2013. This is why the Commission took the position to exclude these vehicles from the measurement.

The ES representative inquired whether the Commission would like ES to draft a proposal for amendment.

Madam Chair indicated that this would be welcome but first asked all the participants if they would agree. Since none of the participants expressed a position, Madam Chair invited them to reflect and come back to the Commission by 15 October so that the Commission could evaluate what this would entail for the drafts to the EU regulations discussed previously.

Madam Chair pointed out that it is important to check whether the test under UNECE Regulation 47 is suitable for such vehicles. If the need to elaborate and agree on a new test procedure arises, the amendment procedure will take longer in comparison to the extension of the existing test procedure to cover the concerned vehicles.

AVERE requested an update regarding the status of the study on factor 4 on electric bicycles.

Madam Chair indicated that this study hasn't yet been launched but it remains on the Commission's planning.