



Brussels, 25th June 2020
GROW/C/4

**DRAFT SUMMARY REPORT
OF THE 140TH MEETING OF THE
WORKING GROUP ON "MOTOR VEHICLES (E01295)**

BRUSSELS, 12 FEBRUARY 2020

Documents can be downloaded from the CIRCABC group:

<https://circabc.europa.eu/w/browse/1af723ce-8472-47f8-bc67-9ab4269bb8c4>

1. Approval of the draft agenda

The agenda was approved.

2. Updating of the MVWG members list (document "members list")

Participants were asked to send any updates or modifications to the secretariat.

3. Approval of the draft summary report of the 139th meeting of the Working Group "Motor Vehicles" held on 3 July 2019

The draft minutes were approved.

4. Presentation by the Commission services and exchange of views on the Commission Implementing Regulation on administrative procedures and technical specifications for type-approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users;

The Commission representative presented an early draft of the implementing act carrying over the provisions repealed by the General Safety Regulation (EU) 2019/2144. The new elements to be covered and the planning were further explained. MVWG members were invited to provide their written comments by 2 March 2020.

ACEA requested clarifications on the inclusion of a check digit in the VIN and also expressed concerns regarding the regulation of the front space for registration plates. It was noted that the current approval number system does not allow for

differentiation between the individual items covered by the draft and that systems also have to be covered in the subject matter of the act.

The IT representative emphasized the need to ensure that the existing approvals continue to be valid and can be extended in order to avoid additional administrative burden.

The AT representative pointed to an omission of an existing possibility for manufacturers to apply for small lorries the requirements of wheel guards instead of those of spray suppression. With regard to the check digit in the VIN it was recommended to follow the existing practice (e.g. USA).

Based on the comments received, the Commission will produce a revised draft and present it for discussion at the TCMV of April. The Commission plans to vote on the implementing act at the TCMV of July.

Following the presentation of the implementing Regulation, the Commission also provided a brief overview of three separate subjects covered by the revised GSR, as regards the research and development of the secondary legislation implementing the requirements of the GSR. It concerned intelligent speed assistance, emergency lane keeping, and driver drowsiness and attention warning. The respective presentations were made available on CIRCABC after the meeting. The MVWG members were invited to provide their comments in writing so that they can be taken on board during the ongoing work. ACEA wanted to know what type of feedback mechanism would be accepted and explained that it would provide detailed input at a later stage. The Commission representative noted that the possible feedback mechanisms were still under scientific review until the beginning of March and that any new information would be shared with stakeholders. ACEA also raised the issue of a need for a database of speed limit and other speed related signs. This issue was recognised by the Commission as well and it was explained that a suitable solution would have to be worked out. ETSC welcomed the work and volunteered to help establishing the EU wide sign database. ESCA asked the Commission if provisions could take into account for small volume manufacturers and the Commission responded to further look into the matter as work had not yet been concluded.

5. Information from the Commission services on the Work Programme in the automotive sector under the competence of Unit C4;

The Commission presented the main points of its work programme in the automotive sector. Two ordinary legislative procedure proposals are ongoing. In the framework of the Green Deal, the presentation of a proposal for the adoption of Euro 7 regulation on pollutants is planned for November 2021. Another legislative proposal concerning the access to vehicle data is also projected as part of the data strategy.

Many secondary legislation acts are also being prepared. On new type approval Regulation, 35 implementing and delegated measures are under development and the Commission will make sure that the most relevant of them will be in place in September 2020. On emissions, amendment to RDE 5 and WLTP 3 regulations will be proposed during the second semester of 2020. On general safety, the Commission intends to harmonize the timeline of their adoption with the work ongoing in the UNECE.

In UNECE deadlines are extremely ambitious due to many work items. The Commission intends to ensure that work focuses on what is essential for the technological progress, clean and digital agenda.

ACEA underlined that new implementing rules of the type approval Regulation 2018/858 state that additional data will have to be provided by manufacturers to the market surveillance authorities without precision about the type of data required. It also pointed out that the last regulation on L category voted in TCMV states the need to identify if the vehicle is automated or not. ACEA asked how to be on implement the 2018/858 implementing rules before 1st September 2020 without knowing which data have to be shared. ACEA also asked what will be the definition of automated vehicles.

The Commission representative answered that a list of what needs to be in place in September will be given and that drafts already give a sense of direction and some clarity as to what can be expected. The Commission representative also noted that ACEA could refer to the General Safety Regulation concerning the definition of automated vehicles.

6. **Exchange of views on an implementing act to Regulation (EU) 2018/858, containing the basic requirements for the online data exchange for motor vehicles and trailers certificates of conformity (CoC) as structured data accessible to the public;**

The Commission representative explained that in accordance with Article 37 of Regulation 2018/858, as of 5 July 2026 the manufacturers will be required to make the COC available in electronic format to the approval authority that granted the type-approval. This can be done on a **voluntary** basis before that date.

The approval authority is then required to make the **eCOC** available so it can be **accessed by other approval authorities** and by the Commission.

As from **1 September 2025 Member States are required to establish their data network** to enable data reception of the certificates of conformity as structured data in electronic format.

The Commission is preparing an implementing act that will set out the basic format and structure of the data elements of the eCOC and the messages used in the exchange. The EUCARIS platform has been nominated for the exchange of the certificate of conformity as structured data.

Regarding the planning, the Commission is aiming to present the first draft at the TCMV of April and for a vote at the TCMV of July.

7. **Presentation by the Commission services of draft Commission Delegated Regulation (EU) .../... of XXX amending Annex X to Regulation (EU) No 2018/858 as regards the standardised access to vehicle on-board diagnostics information and repair and maintenance information, and the requirements and procedures for access to vehicle security information;**

The Commission representative gave a presentation which can be found on CIRCABC.

The EGEA representative raised legal concerns about the initial recognition of the trust centre in the case that the SERMI scheme is not made compulsory in the legislation..

THE FIGIEFA/AFCAR representative asked how it would match the obligation on providing access to RMI on a standardised manner with the fact that the RMI standards would be just a recommendation.

The ACEA representative questioned whether the lack of reference of the RMI standards and the SERMI scheme in the legislation would imply that there is no legal obligation to comply with them.

The Commission representative explained that the legal obligations will be extracted from the standards and the SERMI scheme and placed in Annex X of Regulation (EU) 2018/858 while all the procedural aspects of the RMI standards and SERMI would be part of a separate document (most probably a Commission guidance).

The Chair recognised that this problem needs to be tackled and that the situation is not optimal. Nevertheless, it is a matter of legal certainty that will require a new legislative approach.

With no further questions, the Chair concluded this point.

8. Access to data and cybersecurity – update by the Commission services on the state of play;

The Commission representative provided an update on the activities of the subgroup on access to data and cybersecurity (four meetings since October 2019). Following the presentation FIGIEFA stressed the competition and consumer angle of the issue, while CITA recalled that the topic might be of relevance also in the context of access to data for public purposes, such as road safety.

9. Clarification on the scope of application of the repair and maintenance provisions contained in Regulation (EU) 2018/858;

The Commission representative explained that the repair and maintenance information (RMI) provisions of Regulation 2018/858 should apply as of 1 September 2020 to all existing and new vehicles.

It was clarified that the fact that RMI requirements are not product related and self-standing provisions is clear from the wording of the RMI provisions.

Contrary to the type-approval process for components and separate technical units of a vehicle, compliance is not required for an individual type but for every type that is subject to RMI. Under Articles 64 and 65 of Regulation (EU) 2018/858, to obtain a type-approval, a manufacturer is required to provide the proof of compliance with RMI obligations for every type that is subject to RMI. This is done through the certificate laid down in Appendix 1 of Annex X to Regulation 2018/858, on which the manufacturer is required to indicate the list of types for which he provides access to RMI.

This is a clear indication that RMI requirements are a general obligation and that at the type-approval stage there is no test done on the vehicle but simply an

administrative check to verify that the type in question as well as other concerned types are listed by the manufacturer in the certificate of compliance with RMI.

ACEA disagreed and stated that RMI provisions form part of a composite set of requirements together with the other type approval requirements and this interpretation would constitute a retroactive application of the rules.

The Commission representative replied that as of the date of application of Regulation (EU) 2018/858, the existing RMI requirements will be replaced by the ones of that Regulation. Therefore vehicles approved according to the current framework that have indicated compliance with RMI obligations will be covered by the RMI requirements of Regulation (EU) 2018/858 as they will be the only existing provisions on RMI on 1 September 2020.

This is clear from the wording of Article 86 of Regulation (EU) 2018/858 that specifies that the entire Chapter III on 'access to vehicle repair and maintenance information' will be deleted from Regulation (EC) No 715/2007. Manufacturers are required to show compliance with the provisions of that chapter but that will only be possible until 1 September 2020 as, after that date, it will no longer exist.

Subsequently, the correlation table of Annex XI to Regulation (EU) 2018/858 indicates that the deleted provisions on RMI contained in Regulation (EC) No 715/2007, namely Article 6 and 7, should now respectively refer to Articles 61 and 63 of Regulation (EU) 2018/858.

It therefore clearly follows the terms and objectives of the Regulation and that the intention was to apply RMI provisions of Regulation (EU) 2018/858 to existing and new vehicles.

Lastly, the RMI provisions of Regulation (EU) 2018/858 will not apply to requests for RMI made before 1 September 2020, ensuring their non-retroactivity and observing the principles of legal certainty and the protection of legitimate expectations.

ACEA indicated that this goes against the spirit of the type-approval legislation that applies to first new types and then existing ones.

The Commission representative responded that in the EU type-approval legislation, the legislator sets out dates for the application of new requirements for new type-approvals and for new vehicles when it is determined that lead time should be provided to manufacturers to implement the relevant changes to fulfill new requirements.

In the case of RMI, such dates have not been provided in the Regulation, which clearly indicates the intention of the legislator to have those provisions apply to all vehicles in the same way.

Finally ACEA requested clarification on the vehicles that would be concerned by this interpretation.

The Commission representative replied that RMI provisions in Regulation 2018/858 should apply to all vehicles that were subject to RMI requirements at the time of their type approval.

The DE representative mentioned that until now the RMI requirements are part of the regulations (EC) No. 715/2007 and No. 595/2009 and therefore a precondition for getting an emission type-approval for vehicles of the emission stages Euro 5 and Euro 6 respectively Euro VI (heavy duty vehicles). Given that RMI requirements are not emissions specific, these requirements were shifted and became part of the framework regulation (EU) 2018/858. The regulation is applicable from 01. Sept 2020.

The regulation (EU) 2018/858 has no provisions regarding the retroactive extension of the scope of RMI requirements to other vehicles, in particular not for vehicles of the emission stages Euro 4, Euro V and lesser.

The granted emission type-approvals which include the RMI requirements and the WVTA according to directive 2007/46/EC will not become invalid (Article 89 (1) Regulation (EU) 2018/858).

Hence the approved RMI requirements of the regulations (EC) No. 715/2007 and No. 595/2009 still apply for vehicles of emission stages Euro 5 and Euro 6 respectively Euro VI, if the approval was granted before 01. Sept 2020. The RMI requirements which are applicable at the point in time of approval are furthermore valid. No mandatory RMI requirements apply to vehicles type-approved before 01. Sept. 2020 and for which the regulations (EC) No. 715/2007 or No. 595/2009 were not applicable (in particular vehicles of emission stage Euro 4, Euro IV and lesser).

The RMI requirements of Regulation (EU) 2018/858 are applicable for vehicles getting a new WVTA or a new or amended emission type-approval after 01. Sept. 2020.

10. AOB

1. Presentation on special use tyres under severe snow conditions

ETRTO, on behalf of the GRBP Group of Interested Experts on snow tyres, presented Group's request for the introduction of a new special use tyre category suitable for severe snow conditions. Such tyres, presenting specific tread pattern, are proposed with an excess of 1 or 2 dB(A) of the rolling sound emission limit of special use tyres, in the same way that snow tyres exceed by the same amount the corresponding limit of normal tyres. The wet grip and rolling resistance limits are proposed to be the same.

ETRTO requested EC guidance to introduce such requirements in the EU legislation, following a proposal for amendment to the UN R117 already discussed in GRBP.

The SE representative asked why tyres such as off-road professional one are not categorised.

The FI representative supported the proposal and clarified that there are needs expressed by industry for such requirements.

The Commission experts clarified that the introduction of new tyre categories and change of performance limits in the applicable Regulation (EC) No 661/2009 has to undergo the ordinary legislative procedure, although the technical rationale of the request is well understood. Therefore, in spite of the GRBP work on amending UN R117 correspondingly, the EC would not accede to such an amendment under the current EU legislation. This would be made possible when the Regulation (EU) 2019/2144 would

apply; in the meanwhile, possible solutions lead to either comply with the tyre performance limits in Regulation (EC) No 661/2009 or to categorise such tyres as off-road professional ones for exemption from the rolling sound emission limits, according to the latter.

2. Study on sound level limits of M and N category vehicles

The Commission expert clarified that the study is being carried out, on behalf of the Commission, on the M, N vehicles sound emissions limits. The first phase is still ongoing and questionnaires addressed to technical entities or social partners are open for replies until 14 February 2020. The Commission expert invited the attendees to contact the study contractor for bilateral discussions on more specific subjects of interest related to this study.

10. Attendance list

AT	Ministry for Transport, Innovation and Technology
BE	Mobilité et Transports (SPF)
BG	Permanent Representation
CY	Absent
CZ	Ministry of Transport
DK	Absent
DE	Federal Ministry of Transport and Digital Infrastructure KBA
EE	Road Administration
IE	Absent
EL	Absent
ES	Ministry for Industry, Trade and Tourism
FI	Transport and Communications Agency
FR	UTACCERAM
HR	Absent
HU	Institute for Transport Sciences (KTI)
IT	Ministry of Infrastructure and Transport
LV	Absent
LT	Absent
LU	Absent
MT	Absent
NL	RDW
PL	TDT
PT	Instituto da Mobilidade e dos Transportes
RO	Absent
SE	Transport Agency
SK	Absent

EFTA

NO Directorate of Public Roads

COMMISSION

DG GROW / DG COMP

ASSOCIATIONS

ACEA, AECC, ANEC, AVERE, CITA, CLCCR, CLEPA, CER, CECRA, ETRTO, EAIVT, EGEA, ETRMA, ECF, CEFIC, CECRA, European Caravan Federation, European Cyclists' Federation, ESCA, ETO, FIA, FEMA, FIGIEFA, ADPA, HTW Berlin, Insurance Europe, JAMA, LEASEUROPE, OECVA, ETSC, UEIL.