OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on the Environment, Public Health and Food Safety


Rapporteur for opinion (*): Anna Cavazzini

SHORT JUSTIFICATION

The core element of this legislative proposal concerns the introduction of conformity factors used to assess the compliance of vehicles with the Euro 6 emission limits set out in EU legislation while performing Real Driving Emissions (RDE) tests. The argument put forward by the Commission to justify such an introduction is that such factors are needed to reduce discrepancies between emission measurements in laboratory and in real use conditions. This proposal came after the General Court of the European Court of Justice issued a ruling on the amendment of the Euro 6 norms through delegated act by stating that it would amend an essential element of the legislation, i.e. artificially increase the limits for NOx emissions by introducing a conformity factor. The Court of Justice confirmed thus that this would require a regular legislative procedure.

The Rapporteur is of the opinion that the introduction of conformity factors for RDE measurements is a wrong signal at a time where urgent action is required to enable Member States to comply with the Air Quality Directive (2008/50/EC) and to ensure that Euro 6 emission limits are met under normal conditions. Car manufacturers should start designing vehicles complying with the emission limits set in legislation and not receive some leeway to escape their obligations. Furthermore, it triggers some uncertainty when it comes to approval and market surveillance activities by introducing a margin of error that makes it effectively difficult to determine whether vehicles comply or not with the agreed standards. However, her draft opinion does not touch upon environment-related aspects in the legal text, i.e. conformity factors; those being of ENVI competence, in line with the agreement found between our two Committees’ Chairs, while expressing the doubts mentioned above. IMCO exclusive competence relates to Repair and Maintenance Information under Chapter III of Regulation 715/2007/EU, a Chapter that is amended and consolidated in Regulation 858/2018. Amendments concerning those parts are therefore of technical nature.

As regards provisions specifying the conditions for delegated powers to the Commission (Article 1(11) [Article 14a]), the proposal of the Rapporteur is to shorten the period from five years to two years to assess by end 2022 whether further measures are needed. The European Commission committed publicly to bring the conformity factor down to 1 as soon as possible and at the latest by 2023. Delegation powers conferred should therefore respect the same timeframe.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:
Amendment 1
Proposal for a regulation
Recital 2

Text proposed by the Commission

(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 692/2008 and subsequently, in Commission Regulation (EU) 2017/1151.

Amendment

(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, which were amended and further consolidated by Regulation (EU) 2018/858, which applies from 1 September 2020. The specific technical provisions necessary to implement Regulation (EC) No 715/2007 were set out in Commission Regulation (EC) No 692/2008 and subsequently, in Commission Regulation (EU) 2017/1151.

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Amendment 2
Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

(3a) Access to vehicle repair and maintenance information for independent operators is crucial in order to re-establish consumer trust.

Amendment

Amendment 3
Proposal for a regulation
Recital 3 b (new)

Text proposed by the Commission

(3b) 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 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 the equipment of 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.

Amendment 4

Proposal for a regulation
Recital 11

Text proposed by the Commission

(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 maintenance information; the adoption of a revised measurement procedure for particulates. Notwithstanding the short gap between the entry into force of this Regulation and the repeal of the provisions regarding repair and maintenance information (RMI) by Regulation (EU) 2018/858, for the purposes of legal certainty and to ensure 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. The delegation should further include amending Regulation (EC) No 715/2007 for the purposes of revising the final conformity...
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 expert groups dealing with the preparation of delegated acts.

Amendment 5

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Article 8 – paragraph 1

Text proposed by the Commission

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 vehicle repair and maintenance information shall be provided, with special attention being paid to the specific needs of SMEs.

Amendment

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 vehicle repair and maintenance information shall be provided, with special attention being paid to the specific needs of SMEs, micro-enterprises and self-employed operators.

Justification

Necessary in order to improve the scope.
PROCEDURE – COMMITTEE ASKED FOR OPINION

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<tr>
<th>Title</th>
<th>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</th>
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<tr>
<td>Committee responsible</td>
<td>ENVI 15.7.2019</td>
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<td>IMCO 15.7.2019</td>
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<td>Associated committees - date announced in plenary</td>
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<tr>
<td>Rapporteur</td>
<td>Anna Cavazzini 18.7.2019</td>
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<td>Date adopted</td>
<td>18.2.2020</td>
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| Result of final vote | +: 35  
-: 1  
0: 3 |
| Members present for the final vote | Alex Agius Saliba, Andrus Ansip, Alessandra Basso, Brando Benifei, Hynek Blaško, Vlad-Marius Botoș, Markus Buchheit, Dita Charanzová, Petra De Sutter, Carlo Fidanza, Evelyne Gebhardt, Alexandra Geese, Sandro Gozi, Maria Grapini, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Maria Manuel Leitão Marques, Adriana Maldonado López, Antonius Manders, Leszek Miller, Dan-Ștefan Motreanu, Kris Peeters, Anne-Sophie Pelletier, Miroslav Radačovský, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Róża Thun und Hohenstein, Kim Van Sparrentak, Marion Walsmann |
| Substitutes present for the final vote | Anna Cavazzini, Krzysztof Hetman, Evžen Tošenovský, Edina Tóth |
# FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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Key to symbols:
+ : in favour
- : against
0 : abstention