



Committee on Legal Affairs
The Chair

2.2.2016

Mr Giovanni La Via
Chair
Committee on the Environment, Public Health and Food Safety
LOW T06039
STRASBOURG

Subject: Opinion in the form of a letter relating to draft Commission regulation (EU) .../... of XXX amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (D042120/03 – 2015/2988(RPS))

Dear Mr La Via,

I am writing to you regarding the motion for a resolution tabled to the plenary on behalf of your committee objecting to the abovementioned draft Commission regulation as exceeding the implementing powers provided for in 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 vehicle repair and maintenance information¹.

At its meeting on 1 February 2016 the Committee on Legal Affairs, as the committee responsible for the interpretation and application of Union law in accordance with Annex VI to the Rules of Procedure, decided under Rule 40(3) of the Rules of Procedure to examine the issue on its own initiative, and having due regard to your motion for a resolution and to the recommendations from the Rapporteur, Ms Sylvia-Yvonne Kaufmann, agreed by 13 votes in favour, 12 against and no abstentions² to support your motion for a resolution on the following grounds.

¹ OJ L 171, 29.6.2007, p. 1.

² The following Members were present for the final vote: Joëlle Bergeron, Marie-Christine Boutonnet, Daniel Buda, Jean-Marie Cavada, Therese Comodini Cachia, Edward Czesak, Mady Delvaux, Pascal Durand, Eleonora Evi, Rosa Estaràs Ferragut, Enrico Gasbarra, Heidi Hautala, Mary Honeyball, Sylvia-Yvonne Kaufmann, Dietmar Köster, Merja Kyllönen, Constance Le Grip, Angelika Niebler, António Marinho e Pinto, Evelyn Regner, Pavel Svoboda, Sven Schulze, Miguel Viegas, Axel Voss, Kosma Złotowski, Tadeusz Zwiefka.

The Committee on Legal Affairs considers that the introduction and application of "conformity factors" in the draft Commission regulation, at a level which would result in a *de facto* blanket derogation from the applicable emissions limits set out in Annex I to Regulation (EC) No 715/2007 for a substantial period of time, run counter to the aims and content of that Regulation and that, consequently, the draft Commission regulation (EU) .../... of XXX amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles should be considered *ultra vires* as exceeding the empowerment contained in Article 5(3).

Article 5(3) of Regulation (EC) No 715/2007 empowers the Commission only to supplement Regulation (EC) No 715/2007, and not to amend the emission limit values set out in Annex I thereto, which should be considered as an essential element of the Regulation.

I sincerely hope that this opinion will be considered as a helpful contribution to the work of your committee.

Yours sincerely,

Pavel Svoboda