

TO:

TCMV members

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Brussels, 27th April 2018

European Commission's proposal regarding the RDE 4th package & WLTP 2nd act

Dear TCMV members,

I am writing on behalf of Transport & Environment (T&E) that represents 50 environmental groups across Europe campaigning for sustainable transport. This letter specifically addresses our comments and concerns on the Commission's proposal regarding the RDE 4th package and WLTP 2nd act regulations that will be discussed and voted on May 3rd.

T&E is disappointed that the Commission proposals on RDE and WLTP conformity testing so far fall short of their own ambition to encourage third party testing. Discussions on allowing in-service conformity tests to be conducted by independent third parties have been ongoing for more than a year, throughout which the stated intention has been to allow third party testing. It is therefore deplorable that the current proposal omits any mention of third parties, making reference only to technical services and private laboratories. Independent third party testing led to the discovery of the Volkswagen emissions cheating in the US. This reversal will ensure that testing and approval of cars in Europe remains inferior to that in the US and continue to lack accountability and transparency. **As a minimum, there should be a request from member states and firm commitment from the European Commission this should be revised as soon as the new Type Approval Regulation enters force in September 2020. This new law includes provisions to empower independent third parties to carry out tests and help compliance verification activities.**

T&E supports the introduction of compulsory annual in-service conformity (ISC) checks by granting Type Approval Authority (GTAA) as a necessary shift of responsibilities from manufacturers to public authorities. **However, the proposed level of 5% of PEMS families tested every year per manufacturer is too low and should be raised to at least 20%.** Exposure after the Dieselgate scandal that most Euro 6 diesel vehicles seriously exceed the NOx limit when driven in real-world conditions came not through in-service tests but national emissions investigations. It is therefore essential to test more cars initially to identify all outstanding issues, and then progressively lower the amount of testing once the ISC results show consistent compliance across families and different testing conditions.

Regarding fuel consumption meters, T&E welcomes the Commission's proposal to make these devices compulsory. Robust and accurate fuel consumption meters is one of the measures – together with a robust real-world CO₂ emissions

test at type approval – to address the growing gap between the official fuel consumption type approval values and the on road performance. However, the current draft **does not include all powertrain technologies, such as gas vehicles and electric vehicles**, or provides a clear timeline on when all technologies will be covered. The current draft only includes checks on performance during type approval **not also during conformity of production** which has been inexplicitly removed. This should be integrated within the WLTP in-service conformity checks. T&E also encourages the Commission **to revert to its initial accuracy requirement of +/- 4% - which was validated as the correct margin - instead of the weakened +/- 5% that is currently included in the text**. Finally, T&E also **opposes the possibility for manufacturers to repeatedly carry out more and more tests until the accuracy requirement is met**. This is akin to failing an exam and being allowed to continuously retake until you pass.

T&E is also extremely disappointed by the inadequate reduction of the PEMS NO_x margin **from 0.5 to 0.43 solely, despite the Commission analysis showing that as low as 0.24 is feasible**. This goes against the declaration to the European Parliament to bring down this margin to as close to zero as possible and is contrary to the need to set the limit based on science, not politics.

T&E welcomes the steps to make the in-service conformity process more transparent, i.e. the provision to make the two data lists publicly available, electronically and free of charge, as well as the obligation of GTAA's to make public the compliance assessment results and remedial measures as soon as the test results are available. In addition the annual report by GTAA's will bring more information into the public domain on the different ISC programmes in Europe. The proposed Appendix 4 in the Annex II goes in the right direction but T&E is concerned that the GTAA's will do the bare minimum. **More information should be required in parts B, C and D, in order to better understand what models were tested, how these vehicles were sourced, what the test conditions were, especially for RDE tests (testing plan; what auxiliaries have been used; what fuel was used (reference, market); test conditions (ambient temperature: average and range), all test results and calculations of pass/fail) and who commissioned the tests to labs or technical services in part C**. This would avoid double testing in the same testing conditions and help GTAA's prioritise their ISC programmes. Other points in relation to ISC are:

- Regarding the use of statistical procedures in point 5.10.5 in Annex II, the use of car industry statistics to make a decision for vehicles type approved until 31 December 2019 is unacceptable, the original Commission proposal or that from the ICCT's is preferred;
- The new outlier definitions are overly complex – and the simpler straight-to-sample-failure is preferred;
- For multi-stage and special-purpose vehicles, we do not support the flag system for intermediate outliers and that no extreme outlier can be considered for these vehicles – this is simply unfair.

T&E disagrees that any publication of the results can only be possible **after the publication of the GTAA's report**. This is too late to evaluate the effectiveness of the remedial measures and should instead be made available once the GTAA communicates the results of compliance assessment to labs and technical services. T&E is also unhappy with the new data limitations proposed on manufactures as regards PEMS family ID and declared RDE max values. The current provisions in Regulation (EU) 2017/1151 and 2017/1154 should be kept. Furthermore, we disagree with the introduction of declared RDE max values only from RDE stage 2; any manufacturer willing to declare a lower value than the max allowed during RDE stage 1 should be able to do so to allow for differentiation between different models and their emissions.

T&E is also **unhappy with the introduction of a specific driving boundary condition for vans**. Boundary conditions are designed to be an upper limit, not a compulsory requirement for how vehicles should be driven. The draft regulation already specifies that “extreme driving patterns” are not allowed. Besides, ISC tests will take place in accredited labs or technical services by professional drivers to avoid any possible biased driving.

T&E welcomes the Commission's aim to simplify the evaluation methods through the use of one procedure instead of today's two. However, we disagree with the RDE CO₂ emissions test being validated by comparing it with the laboratory

WLTP – **this goes against the very principle of representative real-world on road tests.** These two tests are genuinely different and serve a different purpose; linking them would expose future RDE tests to lab optimisation taking place today. The current boundary conditions are already designed to validate an RDE test and further weakening should not be allowed. Secondly, although T&E supports using the raw emissions result as the final calculation, the correction proposed is nothing but a transfer function in disguise that the Commission has previously said it did not support without further evidence. Raw emissions from RDE trips should be used as long as they are within the allowed conditions; this is a simple, accurate and technologically neutral method, especially when plug-in hybrid vehicles are considered. Ultimately, these provisions undermine the very concept of a real-world test by keeping the link with lab tests and by correcting the results.

Finally, the definition of pure ICE vehicle proposed in article 1(1)(d) should include mild hybrid systems.

Sincerely yours,

Greg Archer
Transport & Environment