Real Driving Emissions (RDE)

2019/0101(COD) - 14/06/2019 - Legislative proposal

PURPOSE: to establish rules on motor vehicle emissions in order to control the emissions of motor vehicles to achieve the fundamental air quality objectives.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: 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.

Successive Euro emission standards have led to very significant drops in emissions of exhaust particles both in terms of mass (PM) and in terms of numbers (PN) and other pollutants such as hydrocarbons (HC) and carbon monoxide (CO).

However, NOx emissions--and in particular nitrogen dioxide (NO2) emissions--from road transport have not been reduced as much as expected with the introduction of Euro standards since 1991.

To deal with high on-road emissions from passenger vehicles, where a significant discrepancy with the laboratory testing was observed in recent years, the Commission developed the Real Driving Emissions (RDE) test procedure, which applies from 1 September 2017.

In December 2018, the Court annulled certain provisions of EU legislation relating to emissions tests under real driving conditions. In its judgment, the General Court did not question the technical necessity of the compliance factors, but considered that the Commission had exceeded its implementing powers by setting the RDE compliance factors under the comitology procedure and not under the ordinary legislative procedure. It therefore cancelled the part of Regulation (EU) 2016/646 that establishes the compliance factors.

The annulment is of a partial nature and the RDE test procedure remains in force and must still be conducted at type-approval.

To avoid legal uncertainty on the type approvals already granted since 1 September 2017, the General Court delays the effects of the annulment by a maximum period of 12 months, (i.e. 23 February 2020) to give time to the Commission to implement the judgment.

The need to adopt the current proposal results directly from the Judgement of the General Court and its swift adoption is vital in order to avoid legal uncertainty on the type approvals already granted since 1 September 2017 as well as on the future type-approvals.

CONTENT: in response to a ruling by the General Court, the Commission proposes to reinsert certain aspects of Real Driving Emissions testing (RDE) into legislation to be adopted by the European Parliament and Council. In doing so, the Commission aims to provide legal certainty to national authorities, industry and consumers.

In order to avoid imposing an undue burden on manufacturers who have already designed their vehicles taking into account the previously adopted RDE procedure, the Commission proposes to reinsert the conformity factors for new car models of 2.1 until 2020 and the already revised technical margin of error of 1.43 after 2020 through the legislative procedure requested by the General Court. The Commission has kept the conformity factors unaltered in order to ensure stability for national authorities and the automotive sector.

In addition, the Commission also proposes that the legislator empowers the Commission to annually review downwards the conformity factors set out by the legislator, in order to reflect the progress in accuracy of the portable measuring equipment. This will allow to gradually reduce even further the emissions of nitrogen oxides (NOx) under real driving.