Basic information

2019/0101(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Real Driving Emissions (RDE) Amending Regulation 2007/715 2005/0282(COD) **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence 3.40.03 Motor industry, cycle and motorcycle, commercial and agricultural vehicles 3.70.02 Atmospheric pollution, motor vehicle pollution **Legislative priorities** Joint Declaration 2021 Joint Declaration 2022	

Key players

Council of the European Union		
European Commission	**Commission DG**	**Commissioner**
	Internal Market, Industry, Entrepreneurship and SMEs	BRETON Thierry
European Economic and Social Committee		

Key events

Date	Event	Reference	Summary
14/06/2019	Legislative proposal published	COM(2019)0208	Summary
15/07/2019	Committee referral announced in Parliament, 1st reading		
19/12/2019	Referral to associated committees announced in Parliament		
14/07/2020	Vote in committee, 1st reading		
20/07/2020	Committee report tabled for plenary, 1st reading	A9-0139/2020	Summary
17/09/2020	Decision by Parliament, 1st reading	T9-0222/2020	Summary
17/09/2020	Matter referred back to the committee responsible for interinstitutional negotiations		
28/06/2023	Proposal withdrawn by Commission		

Technical information

Procedure reference	2019/0101(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2007/715 2005/0282(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	ENVI/9/00533

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE644.883	18/12/2019	
Committee report tabled for plenary, 1st reading/single reading		A9-0139/2020	20/07/2020	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T9-0222/2020	17/09/2020	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2019)0208	14/06/2019	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES3042/2019	25/09/2019	

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.

Real Driving Emissions (RDE)

2019/0101(COD) - 17/09/2020 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 485 votes to 169, with 42 abstentions, amendments, to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 715/2007 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 information.

The matter was referred back to the committee responsible for inter-institutional negotiations.

As a reminder, the Commission's proposal aims to reintroduce legal exemptions (via a compliance factor) concerning nitrogen oxide (NOx) emissions from passenger cars and light commercial vehicles (Euro 5 and Euro 6) for vehicles tested under real driving conditions, in order to comply with the judgment of the Court of the European Union of 13 December 2018.

The amendments adopted in plenary are as follows:

Compliance factor

In order to address the technical uncertainties associated with measurements obtained using portable emission measurement systems (PEMS), which measure engine emissions during use, the Commission introduced the ‘conformity factor’ - which allows for a margin of error for higher emissions measured under real driving conditions.

Members introduced amendments to clarify that the compliance factor shall apply for a transitional period and be subject to a margin corresponding to the additional technical measurement uncertainties linked with the introduction of the Portable Emission Measurement Systems (PEMS).

The Commission shall continuously review this conformity factor in the light of technical progress and review it downwards each year on the basis of assessments by the Joint Research Centre (JRC). After an immediate reduction from 1.43 to 1.32, the conformity factor shall cease to apply by 30 September 2022.

The Commission may adopt delegated acts by 1 June 2021 at the latest to complete the Regulation in order to:

- adapt the procedures, tests and requirements, as well as the test cycles used to measure emissions so as to properly reflect emissions under real driving conditions under normal use, including temperature and boundary conditions,

- lower the zero response drift and addressing hazardous spikes in particles resulting from filter cleaning, taking into account any relevant elements of standardisation developed by CEN and based on best available equipment.

Members also stressed that the manufacturer shall also ensure the reliability of pollution control devices and endeavour to reduce the risk of theft or damage to these devices.

Post-Euro 6 proposal

In order to ensure swift progress towards the adoption of the future (post - Euro 6) emission limit values and improved air quality for Union citizens, Parliament called on the Commission to present, where appropriate, a legislative proposal to that effect as soon as possible and at the latest by June 2021, as announced in its 'European Green Deal'.

In order to encourage the producers to have a proactive, pro-environmental attitude, the new technological innovations meant to absorb NOx shall be tested, quantified and considered in the subsequent revision of Euro standards.

Diesel vehicles

Parliament recalled that following recent violations of the existing legal framework by manufacturers, consumers have not been satisfactorily compensated. Even in cases where compensation has been granted, vehicles have rarely been brought into line with Euro 5 and Euro 6 standards.

Since the increasing number of diesel bans across European cities affect citizens' daily life, Members suggested 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.

Parliament recalled that the 2019 air quality report published by the European Environment Agency (EEA) estimated that in 2016 long-term exposure to air pollution was responsible for more than 506 000 premature deaths in the EU-28. Road transport continued to be the primary source of NOx emissions in the EU-28 in 2017, representing around 40 % of total EU NOx emissions, and that around 80 % of the total NOx emission from road transport is generated by diesel powered vehicles.

Real Driving Emissions (RDE)

2019/0101(COD) - 20/07/2020 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Esther de LANGE (EPP, NL) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 715/2007 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 information.

The Committee on the Internal Market and Consumer Protection, exercising its prerogatives as an associated committee, also gave its opinion on this report.

The legislative proposal concerns the introduction of conformity factors used to assess the compliance of the vehicle with the Euro 6 emission limits laid down in EU legislation when performing a Real Driving Emissions tests (RDE). This proposal follows the judgment of the General Court of the European Union in December 2018 according to which conformity factors for registration by type of vehicle in accordance with Regulation (EC) No 715 /2007 of the European Parliament and of the Council should not have been introduced through comitology but through the ordinary legislative procedure.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Conformity factors

Members proposed to reinstate conformity factors consisting of the requirements of the vehicle to comply with the binding emission limits set out in Regulation (EC) No 715/2007 and a margin of error resulting from statistical and technical uncertainties in portable emission measurement systems (PEMS). The report introduces amendments to clarify that the conformity factor consists of the emission limits and the device-related error margin.

The Commission may adopt delegated acts by 1 June 2021 at the latest to complete the Regulation in order to:

- adapt the procedures, tests and requirements, as well as the test cycles used to measure emissions so as to properly reflect emissions under real driving conditions under normal use, including temperature and boundary conditions,

- adapt the procedures, tests and requirements as well as the test cycles used to measure emissions in order to adequately reflect real driving emissions under normal conditions of use, including inter alia temperature and boundary conditions;

- lower the zero response drift and addressing hazardous spikes in particles resulting from filter cleaning, taking into account any relevant elements of standardisation developed by CEN and based on best available equipment.

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