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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	NO _x emissions by diesel cars
	- Information from the Presidency

Delegations will find in Annex an information note from the Presidency on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 20 June 2016.

NO_x emissions by diesel cars**Debrief of policy debate at the Transport Council on 7 June 2016****- Information from the Presidency -**

At the TTE Council on 7 June 2016, transport Ministers discussed during a policy debate NO_x emissions of diesel cars. Linked to this issue was an AOB-point raised by Germany on the implications of emissions irregularities, which was included in this debate. The Presidency committed itself to ensure proper coordination between all parties involved and announced it would present a report on the NO_x policy debate in the Transport Council to the **Environment Council**.

Ever since it was first revealed that there are significant discrepancies between NO_x emission levels by diesel cars measured under real driving conditions and those measured under laboratory tests during the type approval procedure, there has been much discussion about the need to tackle potential abuse in the use of so called defeat devices.

In October 2015, several Council formations discussed the matter of Real Driving Emissions (RDE). Transport Ministers have a clear interest in this topic, because of the overall impact on transport and infrastructure policy. Where it concerns type approval procedures the Competitiveness Council is in the lead; where it concerns the setting of emission standards as part of the type approval obligations the **Environment Council** is in charge.

In order to structure the debate during the TTE Council of 7 June 2016, the Presidency prepared a discussion paper (doc. 9075/1/16 REV 1) with three questions. These questions refer to existing legislation, in particular the Euro 5/6 Regulation ¹. This Regulation clearly states that defeat devices are prohibited, except where their use is justified in terms of protecting the engine against damage or accident and for safe operation of the vehicle. The main goal of the policy debate in the TTE Council was to get more clarity in which cases the prohibition does not apply. In terms of innovation, the Presidency took the opportunity to invite the transport Ministers also to reflect on the possible use of “state-of-the-art” technologies to reduce NO_x emissions in new vehicle types.

¹ 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 information.

Furthermore, the Presidency encouraged transport Ministers to share any findings from the enquiries that have in the meantime been launched concerning the type approval procedures in the Member States.

The German delegation proposed a package of measures, including a revision of Article 5.2 of the Euro 5/6 Regulation.

Ministers agreed that manipulation and abuse through the use of defeat devices cannot be tolerated. Delegations agreed with the need to take specific measures to tackle such abuse. A majority of delegations agreed with the Commission that a revision of the Regulation would cause undue and unnecessary delay and called upon the Commission to take immediate action. In accordance with Article 5.3 of the Euro 5/6 Regulation, the Commission is authorised to adopt measures concerning the implementation of Article 5.2.

With regard to the use of “state-of-the-art” technologies to reduce NO_x emissions in new vehicle types, Member States emphasised the need for a technology-neutral approach. Several Member States reported on the first results of their national inquiries concerning the type approval procedures. A common finding so far is that Volkswagen is the only manufacturer that appears to have made inappropriate use of defeat devices in certain vehicle types.

The Commission pointed out that a lack of enforcement in Member States of existing provisions on vehicle emissions has contributed to the unclear situation that has arisen. The quality and independence of national type approval authorities and transparent testing procedures are equally important. Stricter controls of cars that are already in circulation are also essential. The Commission agrees that EU legislation needs to be clear-cut, but also stressed that proper implementation and enforcement is primarily a responsibility of the Member States, including fines. Nevertheless, the Commission would be prepared to provide further guidance on the interpretation of the prohibition of defeat devices by the autumn of this year.

Based upon the debate that took place between transport Ministers, the Presidency concludes that:

- air pollution by diesel cars must be tackled in a reliable and efficient manner;
- public confidence needs restoring;
- there is an urgent need for more transparency in the relevant type approval procedures and the possible use of defeat devices;
- closer cooperation between the national type approval agencies is called for;
- the Commission will come up, as soon as possible and at least before the end of the year, with appropriate proposals to clarify and specify the current rules on defeat devices.

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