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Subject:	Proposal for a Regulation of the European Parliament and of the Council setting emission performance standards for new passenger cars and for new light commercial vehicles as part of the Union's integrated approach to reduce CO ₂ emissions from light-duty vehicles and amending Regulation (EC) No 715/2007 (recast)

Delegations will find attached the results of the Consultative Working Party regarding the above-mentioned proposal.



GROUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, 20 MARS 2018

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION

Proposal for a Regulation of the European Parliament and of the Council setting emission performance standards for new passenger cars and for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles and amending Regulation (EC) No 715/2007 (recast)

COM(2017) 676 final of 8.11.2017 - 2017/0293 (COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 23 and 30 January 2018 for the purpose of examining the aforementioned proposal submitted by the Commission.

At those meetings¹, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles and Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in recital 22, the deletion of the words '*takes into account*';

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in recital 29, the adding of the words '*and new light commercial vehicles*' and '*and light commercial vehicles*' and the replacement of the word '*cars*' with '*vehicles*' and of the words '*passenger cars*' with '*light duty vehicles*';
 - in recital 38, the deletion of the third and fourth sentence of recital 27 of Regulation (EU) No 510/2011;
 - the deletion of recital 30 of Regulation (EC) No 443/2009;
 - in Article 1(1), the deletion of the second sentence of Article 1, first paragraph, of Regulation (EC) No 443/2009 and of the second sentence of Article 1(1) of Regulation (EU) No 510/2011;
 - in Article 4(2), the deletion of the introductory wording of the third paragraph of Article 4 of Regulation (EU) No 510/2011;
 - in the introductory wording of Article 9(1), the adding of the words '*by means of implementing acts*' and the deletion of the final words '*for each manufacturer*';
 - in Article 14(2), the deletion of the last sentence of Article 13(3) of Regulation (EC) No 443/2009;
 - in point 2 of Part A of Annex I, the replacement of the words '*a calendar year*' with '*2020*';
 - in point 4 of Part A of Annex I, the adding of the words '*in running order*';
 - in point 1 of Part B of Annex I, the deletion of the words '*measured in grams per kilometre*';
 - in Annex II, the deletion of the third sentence of point 2 of Part A, of point 3(e) of Part A and of the entire text of Part B of Annex II of Regulation (EC) No 443/2009;
 - in Annex III, the deletion of the third sentence of point A(2) of Regulation (EU) No 510/2011.
2. In recital 19, the second sentence of recital 12 of Regulation (EC) No 443/2009 ('*To describe this utility, mass is an appropriate parameter which provides a correlation with present emissions and therefore results in more realistic and competitively neutral targets*') should have been present, and the proposed deletion thereof should have been marked with grey-shaded type.
3. In recital 28, the adding of the word '*ensures*' should have been identified as a formal adaptation made to the existing text of recital 9 of Regulation (EU) No 333/2014.
4. In Article 3(1)(h), the deletion of the term '*CO₂*' before the words '*emissions of a passenger car*', the replacement of the term '*mass emissions*' with '*mass emission*', the adding of the words '*of the vehicle*' after '*certificate of conformity*' and the deletion of the words '*for passenger cars*' after the words '*as specified*' should have been identified as formal adaptations made to the existing wording of Article 3(1)(f) of Regulation (EC) No 443/2009.
5. In point 1 of Part A of Annex I, the deletion of the indication '*(c)*' before the words '*From 2020*' should have been identified as a formal adaptation made to the existing wording of point 1(c) of Annex I of Regulation (EC) No 443/2009. The reference box indicating that the relevant text originates from Regulation (EU) No 333/2014 should have preceded the deleted words '*(c) From 2020*'.
6. In point 3 of Part A and point 3 of Part B of Annex I, the final words '*of this Annex*' should be deleted.
7. In point 1 of Part B of Annex I, the deletion of the indication '*(c)*' before the words '*from 2020*' should have been identified as a formal adaptation made to the existing wording of point 1(c) of Annex I of Regulation (EU) No 510/2011.
8. In point 5 of Part B of Annex I, the reference made to Article 11 should be adapted so as to read as a reference to Article 10.