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NOTE

From: CZ, DE, HU, SL Delegations
To: Council

Subject: Further steps following the General Court “RDE judgement”
- Information from the Commission requested by the Czech, German, Hungarian and Slovak delegation

In 2007, Euro 6 emission standards were adopted by Regulation 715/2007. In 2016, Commission Regulation 2016/646 adjusted the Euro 6 limits to new real driving emission tests (RDE tests) by applying correction coefficients in order to take account of technical and statistical uncertainties related to this type of tests. The Commission Regulation was disputed by the cities of Paris, Brussels and Madrid in their actions for annulment before the General Court of the European Union (cases T-339/16, T-352/16 & T-391/16).

In its judgement of 13 December 2018 the General Court annulled in part the Commission’s Regulation stating in particular that the Commission had no power to adopt this piece of legislation. Nevertheless, the Court maintained the effects of the annulled provisions in relation to the past and for a reasonable period in the future in order to enable the relevant legislation to be amended limiting this period up to twelve months from the date on which the judgement takes effect.

It is our understanding that action is needed in order to prevent legal uncertainty related to the legitimate interests of public health, environment and economic interests of consumers and manufacturers.

Consequently, Czechia, Germany, Hungary and Slovakia kindly invite the Commission to inform the Member States of next steps envisaged.
