

POSITION PAPER
Conformity Factors in the RDE regulations
Proposal COM (2019) 208

Background

This paper sets out CLEPA's position on the proposal¹ by the European Commission for a Regulation 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.

Our position in a nutshell

- The automotive suppliers' industry welcomes the Commission's proposal and encourages a **swift debate and adoption of its substance** to maintain legal certainty and planning security for the type approval, manufacturing and placing on the market of vehicles as well as the supply of their parts and components.
- The proposal should be further **clarified** by displaying separately the components of the conformity factor – the margin for the uncertainty of the test conditions and the technical margin for the uncertainty of the measurement equipment.
- CLEPA supports an in-depth discussion on new emission limits to develop new regulation (post-Euro 6/VI).

Background on the proposal: RDE legislation defines the **rules for measuring real driving emissions (RDE), on public roads with portable emission measurement** equipment complementing WLTP laboratory tests in the context of the emission regulation EURO 6. The legal framework was established in 2016, technical regulations were adopted by 2018 and have been gradually become mandatory since 2017.

The cities of Brussels, Paris and Madrid brought forward **legal action** against parts of the regulations adopted in comitology. The General Court of the Court of Justice of the European Union (the Court) judged that the Commission had no power to adopt some aspects of the regulations in comitology and thus annulled the respective aspects.

The Commission alongside the members states Germany and Hungary lodged **appeals** against the ruling. In parallel, **the Commission proposed, in June 2019, to restore in regulation 715/2007 the provisions which were annulled by the Court—in the ordinary legislative procedure.**

Aspects of the regulation affected by the ruling: Specifically, the Court found that the Commission had no right to apply **correction coefficients** in the regulation establishing RDE and thus to amend the emission limits established in the EURO 6 regulation. This affects the conformity factor and error

¹ COM(2019)0208

margin for NOx. The Court did not comment on the substances of these provisions such as whether the limits are adequate. It only invalidated the procedure in which these were adopted!

Why is the conformity factor important? The **conformity factor** defines an admissible deviation from the regulatory emission limits and the values measured in the RDE test. It combines **two elements**: The introduction of a test procedure that better reflects emissions on the road and the **uncertainty of this procedure**, i.e. real-world testing in comparison to the controlled environment of a test in the laboratory, and the **statistical uncertainty of the measurement equipment**, i.e. the error margin.

The part of the conformity factor for testing conditions is a temporary measure: the RDE regulations initially set a higher conformity factor for NOx, i.e. 2.1, which has been reduced. The uncertainty of the measurement equipment remains and is under annual review.

Content of the proposal: The proposal by the European Commission covers the **conformity factor and error margin for NOx**, which were annulled by the Court, as well as the CF and error margin for particulate numbers, which were not subject to the Court judgement. Furthermore, the Commission changes the **technical relationship between conformity factors and error margin**, by presenting both as one parameter.

Concerns: In particular, **we are concerned that the RDE conformity and error margins may be lowered in codecision**, which would pose substantial challenges to the design of the vehicles and acquisition of new type approvals. Both would create a substantial **administrative burden** for manufacturers and type approval authorities. Should it not be possible to implement the changes in time, vehicles could not be put on the market. The delay for implementation is only three days upon publication in the EU Official Journal, which is not possible. Delays would directly **impact planned production of manufacturers and suppliers** potentially dwarfing the disruption in production and market availability of new, cleaner cars following the introduction of WLTP.

Recommendation on RDE and further development of type approval standards: We encourage to adopt the proposal swiftly and without changes to the conformity factors and error margins, and to consider reinstating the original principle of separating both in the regulation.

The right place to discuss how air quality could be further improved and to simplify the regulatory framework is the next generation of emission regulation. This will allow for a proper assessment of what is technological feasible and what lead time the industry requires. The European Commission already started working on new emission regulation for passenger and heavy-duty vehicles. CLEPA supports an in-depth discussion on new emission limits to develop new regulation (post-Euro 6/VI).

About CLEPA:

CLEPA represents over 3.000 companies supplying state-of-the-art components and innovative technology for safe, smart and sustainable mobility, investing over 20 billion euros yearly in research and development. Automotive suppliers in Europe employ overall nearly five million people across the continent.