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Sent: 16 March 2015 23:26
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Subject: ACEA reaction to COM questions on RDE and other issues that should be addressed
Attachments: 150316 ACEA input to draft COM proposal on RDE.docx; 150316 ACEA comments to COM text.pdf
Importance: High

[REDACTED],

As promised by CoB today (at least my CoB), attached are ACEA answers to your three questions and other issues we strongly recommend be addressed in this first RDE package that would be made available tomorrow on the public-accessible TCMV page on CIRCABC.

Due to the requested speed of reply, I reserve the right to send any adjustments to the attached documents asap tomorrow.

best regards,

[REDACTED]

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ACEA input to draft COM proposal on RDE

16 March 2015

The following comments address the three questions that ██████████ asked ACEA after the meeting with selected member states on 12 March. Not having seen the definitive COM draft proposal I also include amendments for what appear to be errors in the proposal and issues that ACEA does not agree and where we advise changes must be made:

Q1. The draft RDE test procedure submitted to ISC suggests a share of 26%/44%/30% for the urban/rural/motorway driving at the data evaluation for determining the total trip emissions (NB: these are the figures given in Appendix 5 and 6, not to be mixed up with the trip composition figures defined in points 6.3 – 6.5 of Annex IIIa!). These figures were suggested by ACEA, apparently based on estimates from real driving data, but the completeness and reliability of these data as well as the detailed procedure to calculate the u/r/m shares are unknown or ambiguous. As a consequence it was requested to introduce a "balanced" share of 34%/33%/33% for u/r/m in a neutral manner. These shares would have to be reviewed in the course of the monitoring phase, what would be expressed in one of the political intentions of the Commission.

A1. ACEA could accept a balance share 33%/33%/33%.

Q2. There are some serious concerns about the lack of a vehicle power criterion for the definition of PEMS test families (i.e. a vehicle power range to be added to point 3.2 of Appendix 7) or the selection of vehicles for PEMS testing (i.e. a requirement to test the vehicles with highest/lower power to be added to point 4.2 of Appendix 7) due to the fact that engines will be ever more downsized and there is a tendency to use "the same" physical engines, the power of which is just adapted by software changes, for a wide range of vehicles of a single manufacturer.

A2. ACEA does not see a reason for these "serious concerns about a lack of a power criterion for the definition of PEMS test families". The power on its own is not a meaningful criterion because it has always to be assessed in context with the vehicle weight. Therefore we introduced the test selection criterion "power-to-mass". In the current version it is ensured that always the lowest and the highest power-to-mass of each family will be tested. An additional power criterion would only increase the effort of testing without any additional effect on emission evaluation. ACEA suggests either this is dropped or the expert group finalise their views on this issue and introduce the necessary text in the next RDE package, hopefully no later than May 2015.

Q3. We would add to point 4.2 of Appendix 7 the requirements to PEMS-test at least one 4x4 vehicle (if 4x4 drive vehicles are part of given PEMS test family) and at least one vehicle of each engine volume (replacing point 4.2.4).

A3. The effect of 4x4 drive vehicles compared to 2x4 drive vehicles should also be covered through the power-to-mass criterion because the main effect is the additional weight. As long as the possibility is given that several criteria can be covered with one test, a replacement of point 4.2.4 by the above mentioned 4x4 test selection criteria should not significantly influence the test burden of the manufacturers. Again, ACEA does not see a need for this change due to the power-to-mass test selection criteria.

| COM proposal | ACEA proposal |
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| Articles: | |
| <p>10. During a transitional period, until three years after the dates given in Article 10, paragraphs 4 and 5, of Regulation (EC) No 715/2007:</p> <p>The requirement of point 2.1 of Annex IIIA and any reference to it by the provisions of Annex IIIA are not applicable.</p> <p>The other requirements of Annex IIIA, in particular with regard to RDE tests to be performed and data to be recorded and made available, shall only be applied to new type approvals according to Regulation (EC) No 715/2007 issued after publication of Annex IIIA in the OJEU.</p> | <p>10. During a transitional period, until three years after the dates given in Article 10, paragraphs 4 and 5, of Regulation (EC) No 715/2007:</p> <p>— The the requirement of point 2.1 of Annex IIIA and any reference to it by the provisions of Annex IIIA are not applicable.</p> <p>The other requirements of Annex IIIA, in particular with regard to RDE tests to be performed and data to be recorded and made available, shall only be applied to new type approvals according to Regulation (EC) No 715/2007 issued from <u>three months</u> after publication of Annex IIIA in the OJEU.</p> |
| <p><i>Justification:</i></p> <p>Unfortunately the COM will not set the dates for the necessary 2-steps for RDE until a later RDE package is discussed. Hence, there is no justification here to set the dates for the length of the “monitoring phase” except to prescribe that monitoring data is required for new types of vehicles having certificates issued three months after publication of the necessary RDE Regulation in the OJ. Since the publication date cannot be fixed accurately, industry must be granted some time to take this into account for the necessary preparations. The dates when the “monitoring phase” will end will be set in a further RDE package of the COM.</p> | |

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| Annex IIIA: | |
| <p>6.6. The trip shall consist of approximately 34% per cent urban, 33% per cent rural and 33% per cent motorway operation. “Approximately” shall mean the interval of ± 10 per cent points around the stated percentages. The urban operation shall however never be less than 29% of the total trip distance.</p> | <p>6.6. The trip shall consist of approximately 34% per cent urban, 33% per cent rural and 33% per cent motorway operation <u>classified by speed according to paragraphs 6.3, 6.4 and 6.5.</u> “Approximately” shall mean the interval of ± 10 per cent <u>± 5 per cent</u> points around the stated percentages. The urban operation shall however never be less than 29% of the total trip distance.</p> |
| <p>6.8. The average speed (including stops) of the urban driving part of the trip should be between 15 and 30 km/h. Stop periods, defined as vehicle speed of less than 1</p> | <p>6.8. The average speed (including stops) of the urban driving part of the trip should be between 15 and 30 km/h <u>20 and 40km/h</u>. Stop periods, defined as vehicle</p> |

| | |
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| <p>km/h, shall account for at least 10% of the time duration of urban operation. Urban operation shall contain several stop periods of 10s or longer. The inclusion of one excessively long stop period that individually comprises >80% of the total stop time of urban operation should be avoided.</p> | <p>speed of less than 1 km/h, shall account for at least 10% 3 to 15% of the time duration of urban operation. Urban operation shall contain several stop periods of 10s or longer. The inclusion of one excessively long stop period that individually comprises >80% of the total stop time of urban operation should be avoided. <u>Each single idling event shall not exceed 90s. The idling duration shall be greater than or equal to 3% and lower than 15% of the time of the complete PEMS trip.</u></p> |
| <p>3.1.3.2.1. The unique identification number of a PEMS test family to which a given vehicle emission type belongs, as defined in paragraph 5.2 of Appendix 7, by entering the vehicle type approval number and the information on type, variant and version as defined in sections 0.10 and 0.2 of the vehicle's EC certificate of conformity;</p> | <p>ACEA has concerns with this new text. Strongly recommend further discussion.</p> |
| <p>Appendix 7:</p> | |
| <p>5.3. The type approval authority and the vehicle manufacturer shall maintain a list of vehicle emission types being part of a given PEMS test family on the basis of emission type approval numbers. For each emission type all corresponding combinations of vehicle type approval numbers, types, variants and versions as defined in sections 0.10 and 0.2 of the vehicle's EC certificate of conformity shall be provided as well.</p> | <p>ACEA has concerns with this new text that is introduced with no previous discussion with industry. Strongly recommend further discussion.</p> |

ACEA notes that we have also seen a multitude of incorrect references. The attached details only some of these issues that require attention in this proposal.

Änderungen im RDE-Entwurf COM (nur unstrittige Fehler)

A. Recitals and Articles:

Article 1, 2) of COMMISSION REGULATION (EU) No .../.. is amended as follows:

| COM proposal | Amendment |
|--|---|
| 2) ... The other requirements of Annex IIIA, in particular with regard to RDE tests to be performed and data to be recorded and made available, shall only be applied to new type approvals according to Regulation (EC) No 715/2007 issued after publication of Annex IIIA in the OJEU. | 2) ... The other requirements of Annex IIIA, in particular with regard to RDE tests to be performed and data to be recorded and made available, shall only be applied to new type approvals according to Regulation (EC) No 715/2007 issued after the twentieth day following that of its publication of Annex IIIA in the OJEU. |
| <p>Justification:</p> <p>Contradiction to Article [...]: "This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union."</p> <p>The regulation should not be applied before entering into force.</p> | |

Article 1, 2) of COMMISSION REGULATION (EU) No .../.. is amended as follows:

| COM proposal | Amendment |
|--|--|
| 2) ... By way of exception to point 10.2, the requirements of Annex IIIA do not apply to type approvals granted to small volume manufacturers as defined in Article 2(32) of Regulation (EC) 715/2007. | 2) ... By way of exception to point 10.2, the requirements of Annex IIIA do not apply to type approvals granted to small volume manufacturers as defined in Article 2(32) of Regulation (EC) 715/2007 692/2008. |
| <p>Justification:</p> <p>The numbering (point 10.1, 10.2, ...) does not exist anymore within Article 10.</p> <p>Article 2(32) is contained in Regulation (EC) 692/2008.</p> | |

B. Amendments to new Annex IIIA:

Section 3.1 is amended as follows:

| COM proposal | Amendment |
|--|--|
| 3.1 Type approval according to Regulation (EC) 715/2007 can only be issued if the vehicle is part of a validated | 3.1 Type approval according to Regulation (EC) 715/2007 can only be issued if the vehicle is part of a validated PEMS test |

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|--|---|
| PEMS test family according to the requirements of this paragraph and Appendix 7. | family according to the requirements of this paragraph and Appendix 7 of this Annex. |
| Justification: Clarification. | |

Section 3.1.3.2.2 is amended as follows:

| COM proposal | Amendment |
|--|--|
| 3.1.3.2.2. By entering the unique identification number of a PEMS test family: ... - the results of the PEMS tests as set out in paragraphs 5.5.3 of Appendix 5 and 6.4.8 of Appendix 6 for all vehicle emission types in the list described in paragraph 5.4 of Appendix 7. | 3.1.3.2.2. By entering the unique identification number of a PEMS test family: ... - the results of the PEMS tests as set out in paragraphs 5.5.3 6.3 of Appendix 5 and 6.4.8 3.8 of Appendix 6 for all vehicle emission types in the list described in paragraph 5.4 of Appendix 7. |
| Justification: Wrong Numbers. | |

B1. Amendments to Appendix 1 of new Annex IIIA:

B2. Amendments to Appendix 2 of new Annex IIIA:

Section 3.4.2 is amended as follows:

| COM proposal | Amendment |
|--|--|
| 3.4.2. General procedure (b) The analyser, flow-measuring instrument or sensor shall be set at zero by introducing a zero signal. (d) The zero procedure of (a) shall be repeated. ... | 3.4.2. General procedure (b) (a) The analyser, flow-measuring instrument or sensor shall be set at zero by introducing a zero signal. (d) (c) The zero procedure of (a) shall be repeated. ... |
| Justification: Numbering of Section 3.4.2 starts with (b) instead of (a). Failure repeated through the whole paragraph. | |

B3. Amendments to Appendix 3 of new Annex IIIA:

Sections 3.2.2 and 4.2 are amended as follows:

| COM proposal | Amendment |
|---|---|
| 3.2.2 Test conditions 4.2 Validation procedure ... as specified in Annex 1 to UNECE Global Technical Regulation No. 15 (ECE/TRNAS/180/Add/15. ... | 3.2.2 Test conditions 4.2 Validation procedure ... as specified in Annex 1 to UNECE Global Technical Regulation No. 15 (ECE/TRNAS/180/Add/15 (ECE/TRANS/180/Add.15) |
| Justification: Typo. | |

B4. Amendments to Appendix 4 of new Annex IIIA:

B5. Amendments to Appendix 5 of new Annex IIIA:

B6. Amendments to Appendix 6 of new Annex IIIA:

B7. Amendments to Appendix 7 of new Annex IIIA:

B8. Amendments to Appendix 8 of new Annex IIIA:

B9. Amendments to Appendix 9 of new Annex IIIA: