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RESOLUTION OF THE 13th STANDING COMMITTEE

(Land Use, Environment, Environmental Assets)

(*Rapporteur*: Senator Vaccari)

approved at the session of 6 March 2014

ON THE

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL AMENDING REGULATIONS (EC) NO 715/2007 AND (EC)
NO 595/2009 AS REGARDS THE REDUCTION OF POLLUTANT EMISSIONS
FROM ROAD VEHICLES (COM(2014) 28 FINAL)**

pursuant to Article 144(1) and (6) of the Rules of Procedure

Notified to the Speaker's Office on 11 March 2014

The Committee,

having examined Community text COM(2014) 28 final,

whereas Italy has made significant progress over recent years on the issue of emissions which contribute to damaging the climate, reducing its greenhouse gas emissions by 25 per cent in less than a decade, meeting the commitments of the Kyoto Protocol and exceeding the 2020 targets of the EU climate and energy package;

whereas, despite achieving these significant objectives, at this delicate stage of drawing up a new global climate agreement, Italy can and must do even more, pursuing effective targets to promote a genuine process of decarbonisation based on renewable energy sources and energy efficiency;

whereas, alongside emissions from heating systems and industrial emissions, the movement of goods and people by road is one of the main sources of air pollution in cities and the large areas of the country which are highly populated and industrialised, with serious consequences for the ecosystem and for human health;

whereas the purpose of the proposal is to introduce a number of amendments to Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 and to Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 as regards the pollutant emissions from road vehicles and that its focus is on those areas where market and regulatory failures hinder addressing the overarching challenges situated within the context of the EU's air quality and the Better Regulation Agenda;

whereas the proposal is based on Article 114(1) of the Treaty on the Functioning of the European Union (TFEU), which states that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, are to adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market;

whereas the proposal for a regulation does not include a specific subsidiarity assessment by the European Commission, despite this being an obligation under Article 5 of Protocol 2 to the TFEU, although there is a subsidiarity assessment in the working document containing the summary of the impact assessment and that assessment declares the proposal to be in line with the principle of subsidiarity in terms of the need for action by the EU institutions, since the initiative in question is intended to amend the legislation in force, and here only the European Union can act effectively. European Union action is also necessary because of the need to avoid the emergence of barriers to the single market, and because of the transnational nature of air pollution and climate change;

whereas there are no assessments of conformity with the principle of proportionality, although the proposal appears to be consistent with the intended objectives,

issues, within its remit, a favourable opinion with the following remarks:

in order to reduce unnecessary burdens for vehicle manufacturers in the case of type-approval of vehicle platforms that could potentially be covered by both light and heavy-duty vehicle legislation, the approval of certain heavy-duty vehicles in accordance with the requirements for light-duty vehicles with respect to their pollutant emissions should be possible without lowering the level of environmental protection within the Union;

although emissions of methane are not known to have a direct harmful effect on human health, methane is a strong greenhouse gas. Therefore, in line with the Communication of the Commission on the application and future development of Community legislation concerning vehicle emissions from light-duty vehicles and access to repair and maintenance information (Euro 5 and 6), the Commission should consider including methane emissions in the calculation of carbon dioxide emissions;

furthermore, in order to facilitate the introduction of natural gas vehicles, the current total hydrocarbons emission limit should be increased and the effect of methane emissions should be taken into account and expressed as a carbon dioxide equivalent for regulatory and consumer information purposes;

moreover, modern diesel vehicles emit high and increasing amounts of nitrogen dioxide as a share of the total nitrogen oxide emissions which were not anticipated when Regulation (EC) No 715/2007 was adopted. Most air quality problems in affected urban areas appear to be related to direct nitrogen dioxide emissions. Therefore, an appropriate emission limit should be introduced, aimed at updating and increasing the efficiency of national and regional air purification plans;

similarly, the current emission limits for carbon monoxide and total hydrocarbons after a cold start at low temperature have been carried over from the Euro 3 requirements set out in Directive 98/69/EC of the European Parliament and of the Council, which appear to be outdated in the light of existing vehicle technology and air quality needs. Air quality problems and results of vehicle emission measurements suggest the need to introduce an appropriate limit for nitrogen oxide and nitrogen dioxide emissions. Therefore, revised emission limits should be introduced pursuant to Article 14(5) of Regulation (EC) No 715/2007.

The emission limit set for ammonia in Regulation (EC) No 595/2009 is a requirement designed to limit the slip of ammonia from nitrogen oxide after treatment technologies which use a urea reagent for the reduction of nitrogen oxides. The application of the ammonia limit value should therefore only be applied to those technologies and not to positive-ignition engines;

in order to achieve EU air quality objectives and to ensure a continuous effort to reduce vehicle emissions, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of:

- the detailed rules on the application of Regulation (EC) No 715/2007 to vehicles of categories M1, M2, N1 and N2 with a reference mass exceeding 2 610 kg but with a maximum vehicle mass not exceeding 5 000 kg;
- the specific procedures, tests and requirements for type approval;

- the requirements for the implementation of the prohibition on the use of defeat devices that reduce the effectiveness of emission control systems;
- the measures necessary for the implementation of the obligation of a manufacturer to provide unrestricted and standardised access to vehicle repair and maintenance information;
- the replacement of the information on the mass of carbon dioxide emissions in the certificate of conformity with information on total mass of carbon dioxide emissions equivalents;
- the increase or removal of the limit value of total hydrocarbons emissions for positive ignition vehicles;
- the amendment of Regulation (EC) No 715/2007 for the purposes of recalibrating the particulate mass based limit values and introducing particle number based limit values that would correlate broadly with the petrol and diesel mass limit values;
- the adoption of a revised measurement procedure for particulates and a particle number limit value, a limit value for emissions of nitrogen dioxide and limits for tailpipe emissions at cold temperatures for vehicles approved as complying with the Euro 6 emission limits;

the Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council;

furthermore, the Treaty of Lisbon introduced the possibility for the legislator to delegate power to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. The measures which can be covered by delegations of powers, as referred to in Article 290(1) TFEU, correspond in principle to those covered by the regulatory procedure with scrutiny established by Article 5a of Council Decision 1999/468/EC of 28 June 1999. It is therefore necessary to adapt to Article 290 TFEU the provisions in Regulation (EC) No 715/2007 which provide for the use of the regulatory procedure with scrutiny;

the adaptation to Article 290 TFEU of the provisions in Regulation (EC) No 715/2007 which provides for the use of the regulatory procedure with scrutiny carried out by this Regulation should not affect pending procedures in which the committee has already delivered its opinion in accordance with Article 5a of Decision 1999/468/EC before the entry into force of this proposal for a Regulation;

in order to reduce emissions in the use of commercial and industrial vehicles, regional and local authorities should ensure the implementation of specific management and training models in the road transport professions already regulated, based on UNI EN ISO standards aimed at ensuring their proper application, and stipulating the annual amount of saving in carbon dioxide;

finally, in order to ensure uniform conditions for the implementation of Article 4(2) and (3) of Regulation (EC) No 715/2007, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.