

ANNEX I



Европейски парламент Parlamento Europeo Evropský parlament Europa-Parlamentet Europäisches Parlament
Euroopa Parlament Ευρωπαϊκό Κοινοβούλιο European Parliament Parlement européen Parlaimint na hEorpa
Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament
Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

COMMITTEE OF INQUIRY INTO EMISSION MEASUREMENTS IN THE AUTOMOTIVE SECTOR

THE SECRETARIAT

Background Analysis on the EP preparation of the current car emissions and type approval legislation

Following the EMIS coordinators decision from 29 Sept 2016 to hold an exchange of views with the former EP rapporteurs, shadow rapporteurs and rapporteurs for opinion on the car emissions and type approval legislation, the EMIS Secretariat was tasked to prepare a background analysis and statistical account of the legislative process on Directive 98/69/EC and Regulation (EC) No 715/2007 on emissions from light duty vehicles, Directive 1999/96/EC and Regulation (EC) No 595/2009 on emissions from heavy duty vehicles, and on the framework Directive 2007/46/EC on type-approval, based on the information available in the EP archives.

The background analysis seeks to cover the following:

- definition of defeat devices (for LDV and HDV) and influence of the 1998 US case;
- exemptions from the general ban on defeat devices and link to durability of emission control systems;
- establishment of NOx emission limits and introduction of Euro 6;
- definition of “normal use”;
- access to vehicle repair information from independent operators;
- role of Commission and Member States in type-approval process;

Annex

The below analysis needs to be looked at hand in hand with the accompanying Annex. In the Annex, a 4-column style document, the relevant parts of the COM original proposal, AMs from EP positions, Council position, where available, as well as the finally agreed text have been included.

The explanatory statements to the EP positions have also been examined and some interesting parts highlighted. The opinions by other Committees to the draft reports have also been checked for any relevant amendments.

EURO 3/4 LDV Directive 98/69/EC - OEIL procedural page

Rapporteur/s	Bernd LANGE (ENVI, S&D)	
Shadows	n/a	
Rapporteurs for opinion	Heidi HAUTALA (ECON, Greens) (7 AMs in total)	Gianni TAMINO (TRAN, Greens) (15 AMs in total)
	Markus FERBER (ITRE, EPP) (9 AMs in total)	
18/06/1996	Legislative proposal published	
20/09/1996	Committee referral announced in Parliament, 1st reading	
15/10/1996	Debate in Council	
26/02/1997	Modified legislative proposal published	
19/03/1997	Vote in committee, 1st reading	
19/03/1997	Committee report tabled for plenary, 1st reading (85 AMs in total)	
09/04/1997	Debate in Parliament	
10/04/1997	Decision by Parliament, 1st reading	
05/06/1997	Modified legislative proposal published	
07/10/1997	Council position published	
23/10/1997	Committee referral announced in Parliament, 2nd reading	
04/02/1998	Vote in committee, 2nd reading	
04/02/1998	Committee recommendation for plenary, 2nd reading (73 AMs in total)	
17/02/1998	Debate in Parliament	
18/02/1998	Decision by Parliament, 2nd reading	
18/05/1998	Parliament's amendments rejected by Council	
29/06/1998	Formal meeting of Conciliation Committee	
29/06/1998	Final decision by Conciliation Committee	
11/08/1998	Joint text approved by Conciliation Committee co-chairs	
10/09/1998	Report tabled for plenary, 3rd reading	
15/09/1998	Debate in Parliament	
15/09/1998	Decision by Parliament, 3rd reading	
17/09/1998	Decision by Council, 3rd reading	
13/10/1998	Final act signed	
13/10/1998	End of procedure in Parliament	
28/12/1998	Final act published in Official Journal	

Main conclusions on relevant provisions:

Definition of a DD (Annex I, Sec 2.16 in the Directive) was in fact introduced by AM42 from the EP 1st reading position (Annex p.1) - the provision was agreed with the Council in a slightly reworded version.

The provision in Annex I, Sec 5.1.1 reading "**The use of a defeat device is prohibited**" appears to have been negotiated in the trilogues, as such AM did not exist in the EP 1st reading position.

In addition AM59 of the EP 1st reading position adds a provision on **irrational emission control strategies** defining them as defeat devices (Annex p.3) - in the negotiated text, the wording has been weakened from "shall be considered" to "may be considered" .

Since the Council common position is not available online from that period, and AM42+59 were not retabled in the EP 2nd reading position, it could be assumed that these were either accepted by Council already at its first reading or were later on during conciliation agreed.

Finally, AM70 of ***in-service tests*** as proposed by the rapporteur (Annex p. 3) did not make it to the finally agreed text of the directive.

The explanatory statement to the ENVI report at 1st reading is quite detailed but does not mention anything on the definition of DD introduced in the AMs. It does however have a section explaining the rationale for the AM70 on in-service tests for durability. It also has an interesting section on the ***unrealistic temperatures for the test cycle*** (pasted on next page) and how ***manufacturers will aim to design their vehicles to meet the tests cycle***, rather than meet emission limits in much more realistic temperatures in real use.

“Normal use” is used in the text of the DD amendments AM42+59, however, nothing further is anywhere mentioned as to what constitutes normal use. The term is used twice in the COM proposal and has not been amended or further defined - section 5.1.1 in Annex I says:

“The technical measures taken by the manufacturer must be such as to ensure that the tailpipe and evaporative emissions are effectively limited, pursuant to this Directive, throughout the normal life of the vehicle and under normal conditions of use. This will include the security of those hoses, their joints and connections, used within the emission control systems, which must be so constructed as to conform with the original design intent”

Sec 5.2 under Requirements and tests says: *“The OBD system must be so designed, constructed and installed in a vehicle to enable it to comply with the requirements of this Annex during conditions of normal use.”*

With regards to ***role and responsibility of type approval authorities***, it seems not to have been a central point; AM66, introduced in the ENVI report, gives a stronger role to the TAAs to even withdraw TAs should the remedial action of OEMs not be approved (see Annex p.3) - however this was not kept in the agreed text.

With regards to the three opinions (ITRE, ECON, TRAN), no specific relevant amendments have been made there. All three share the view that OBD should be compulsory for diesel engines (only optional in the COM proposal), with ECON also going in the direction of the ENVI report with regard to the cold start (-7C and the rationale of the then cycle run at too high temperatures), and increasing the vehicle durability from 80,000 to 160,000km.

Summary of AMs in EP 1st reading position:

Main points from the EP 1st reading position:

- Improvement in the quality of the reference fuels needed for improved engine technology,
- Slight adjustment in the EURO III Step A exhaust gas values for the year 2005,
- Binding EURO III Step B exhaust gas values for the year 2005,
- Fiscal incentives to introduce low-exhaust vehicles at an earlier date and to re-equip older vehicles,
- Rejection of a second Auto/Oil Programme; concentration on a number of open issues,
- Encouraging binding statutory arrangements to reduce CO2 exhaust gases,
- OBD systems to be compulsory for diesel vehicles; open access to OBD maintenance, testing and repair,

- Uncomplicated approach to in-service surveys (monitoring emissions under practical conditions),
- Introduction of a test procedure for low ambient temperatures (-7C),
- Doing away with the superfluous Type V long-term test procedure

From explanatory statement of ENVI report:

Anti-pollution devices must take effect as soon as possible in practice, therefore including short trips and low temperatures. At the moment, conditioning for the test involves a room temperature (20-22C) which is unrealistic in everyday life. There are relatively few regions of Europe, in Spain, Sicily and Greece, where average temperatures of 20C are recorded over periods of a month at a time. Average monthly temperatures elsewhere in the European Union are much lower. This means that in practice engines run at much lower temperatures than in the test cycle. Moreover, in built-up areas most trips are of less than 3 kms, which means that the engine never reaches the test cycle temperature. As catalysers currently fitted to petrol engines work only after a certain temperature is reached (150-200C), they are hardly effective at all with cold engines and short trips. 80-90% of pollutants in the current entire test cycle are produced in the first 4 kms; the catalyser does not begin to work until then. In practice, with cold engines and short trips this percentage is increased still further. Manufacturers will of course design their vehicles to meet the test cycle. The result is that here are vehicles which can meet very strict values in the test cycle but at lower temperatures are more polluting than ordinary vehicles. Some increases in limit values are technologically based and have to be accepted. However, values at -7C 10-20 times higher than for the +20C test cycle are unacceptable. These principally involve CO and HC. Cold-start behaviour in the urban cycle must therefore also be tested and limits set. Any real reduction covering also low temperatures will improve urban air quality.

ECON Opinion - had AMs on: increasing the vehicle durability from 80,000 to 160,000km; cold start test at -7C should be included; OBD is required for diesel engines (optional in COM proposal)

ITRE Opinion - had AMs on: OBD is required for diesel engines (optional in COM proposal), 8 out of 9 AMs are on recitals

TRAN Opinion - had AMs on: AM4 stresses in-service testing; OBD is required for diesel engines (optional in COM proposal),

EURO III/IV HDV Directive 1999/96/EC - OEIL procedural page

Rapporteur/s	Bernd LANGE (ENVI, S&D)
Shadows	n/a
Rapporteurs for opinion	n/a
03/12/1997	Legislative proposal published
16/12/1997	Debate in Council
03/04/1998	Committee referral announced in Parliament, 1st reading
16/06/1998	Debate in Council
06/10/1998	Debate in Council
13/10/1998	Vote in committee, 1st reading
13/10/1998	Committee report tabled for plenary, 1st reading (24 AMs in total)
20/10/1998	Debate in Parliament
21/10/1998	Decision by Parliament, 1st reading/single reading
17/12/1998	Modified legislative proposal published
11/03/1999	Modified legislative proposal published
22/04/1999	Council position published
23/07/1999	Committee referral announced in Parliament, 2nd reading
19/10/1999	Vote in committee, 2nd reading
19/10/1999	Committee recommendation for plenary, 2nd reading (45 AMs in total)
15/11/1999	Debate in Parliament
16/11/1999	Decision by Parliament, 2nd reading
13/12/1999	Final act signed
13/12/1999	End of procedure in Parliament
16/02/2000	Final act published in Official Journal

Main conclusions on relevant provisions:

“**Normal use**” is already used once in the COM proposal Annex I, Section 6 - Specifications and test, same as provision for LDV (see above).

“The components liable to affect the emission of gaseous and particulate pollutants from diesel engines and the emission of gaseous pollutants from gas engines shall be so designed, constructed and assembled as to enable the engine, in normal use, to comply with the provisions of this Directive.”

The term “normal conditions of use” is also used once in AM19 of the EP 1st reading report which introduces new Article 3c whose essence is maintained in the agreed text under Article 6 (Annex p.6):

Article 3c “From 1 October 2005 type-approvals granted to heavy-duty vehicles for emissions must also require confirmation of the functionality of the emission control devices during the normal life of the vehicle under normal conditions of use (conformity of in-service vehicles properly maintained and used). By 31 December 2001 the Commission shall submit detailed proposals for these provisions to the European Parliament and the Council. ”

Interestingly, when it comes to **DD definition and provision on prohibition**, unlike LDV, these were proposed for HDV by the Council in its Common position and not by the EP (Annex p.7+8). The novelty here is that Section 6.1.1 in the Annex of the Directive introduced by the Council specifies that if a TAA suspects the use of a defeat device or irrational emissions control strategy, OEMs need

upon request to provide information on the operation and effect on emissions of the use of such devices and/or control strategy.

AMs in EP 1st reading position:

Main elements of EP 1st reading:

- Introducing a mandatory EURO IV stage from 2005. Stringent limit values for the stage beginning in 2005. Mandatory introduction of on-board diagnostics for all heavy-duty vehicles from 2005; these systems must be open and standardised and capable of extension to other electronic vehicle control systems,
- Inclusion of more realistic test cycles with measurement of exhaust gas emissions for type-approval;
- Increasing the durability of emission control devices to 100 000 km for small (Class N1), to 200 000 km for medium-sized (Class N2) and to 500 000 for large commercial vehicles (N3),
- Monitoring the functionality of emission control devices during the life of a vehicle by the introduction of in-service checks from 2005,
- Tax incentives for bringing forward the introduction of commercial vehicles meeting the 2005 requirements and for re-equipping older vehicles.

From explanatory statement of ENVI 1st reading report:

The test cycles have also been improved. From 2000 onwards commercial vehicles will have to meet the values under the ESC plus ELR (European Steady Cycle plus European Load Response Test) and, if they are advanced technology vehicles, the ETC (European Transient Cycle) as well. For advanced technology vehicles it will be sufficient for EURO IV testing to be tested using the ETC alone. By comparison with the present purely static European commercial vehicle cycles these cycles finally contain a dynamic element. The evolution of the test cycles towards a reproduction of real traffic situations is a move in the right direction. Type approval cannot be issued on the basis of completely unrealistic test cycles for which engines are specifically tuned, while in service, under different loadings, they have completely different emission characteristics.

From explanatory statement of ENVI recommendation for 2nd reading:

Since exhaust gases can be measured only at specific defined points during the test cycle, it is theoretically possible to design engines in such a way that they reach the limit values only at these points. Even though this practice is specifically prohibited in Annex I, section 6.1.1 of the proposal, this possibility needs to be completely eliminated in the long term by developing dynamic test cycles. At present the possibility of abuse can only be reduced by having all vehicles complete all three prescribed test cycles because they each use different measuring techniques. The rapporteur has therefore refrained from reintroducing Parliament's Amendment 21 from first reading.

AM21:

The emissions shall be determined on the ESC and ELR tests with conventional diesel engines including those fitted with electronic fuel injection equipment, exhaust gas recirculation (EGR) and/or oxidation catalysts. Diesel engines fitted with advanced exhaust after treatment systems including de NOx catalysts and/or particulate traps, **when being tested for compliance with row A of the tables in this section**, shall additionally be tested on the ETC test **and when being tested for compliance with row B of the tables in this section, need only be tested on the ETC test.** For gas engines, the gaseous emissions shall be determined in the ETC test; the particulate emission is not subject to testing. The ESC and ELR test procedures are described in Annex III, Appendix 1, the ETC test procedure in Annex III, Appendices 2 and 3.

EURO 5/6 LDV Regulation (EC) No 715/2007 - [OEIL procedural page](#)

Rapporteur/s	Matthias GROOTE (ENVI, S&D)	
Shadows	Martin CALLANAN (EPP) Holger KRAHMER (ALDE)	Jonas SJÖSTEDT (GUE) Rebecca HARMS (Greens)
Rapporteurs for opinion	Anja WEISGERBER (IMCO, EPP) (9 AMs in total) (associated committee) Francesco Enrico SPERONI (JURI, NI)	Ivo BELET (ITRE, EPP) (18 AMs in total) Bogusław LIBERADZKI (TRAN, S&D) (24 AMs in total)
21/12/2005 19/01/2006 09/03/2006 13/03/2006 16/03/2006 27/06/2006 13/09/2006 21/09/2006 12/12/2006 13/12/2006 13/12/2006 30/05/2007 20/06/2007 20/06/2007 29/06/2007	Legislative proposal published Committee referral announced in Parliament, 1st reading Debate in Council Debate in Council Referral to associated committees announced in Parliament Debate in Council Vote in committee, 1st reading Committee report tabled for plenary, 1st reading (58 AMs in total) Debate in Parliament Results of vote in Parliament Decision by Parliament, 1st reading Act adopted by Council after Parliament's 1st reading Final act signed End of procedure in Parliament Final act published in Official Journal	

Main conclusions on relevant provisions:

DD definition and provision on prohibition in the COM proposal are exactly the same as in the Euro 3-4 LDV agreed directive. There were no AMs on the subject at all in the EP position. As for the Council, it expands on recital 26 (Annex p.12) to specify the COM implementing powers in adopting measures on the use of DD, among others (which powers are already in Article 5 of the COM proposal - Annex p.18).

Current recital 12 has been introduced as a result of EP AM3 (Annex p.10) talking about continued effort to introduce further reductions and limits corresponding to actual vehicle performance in use

With regards to manufacturers obligations and Article 4, EP AM10 (Annex p.15) text was a lot stronger than what was eventually agreed spelling that technical measures should be such as to assure the emissions requirements are met under **normal conditions of use**, while the agreed text says “emissions are effectively limited ... under normal conditions of use”

Unrestricted access to vehicle repair information was already envisaged in the COM proposal, EP AMs aimed to simplify that for SMEs. There was however an opinion by the JURI Committee issued on its own initiative in response to AMs tabled in the associated IMCO committee which seeks to delete and amend provisions on access to vehicle repair info on grounds that the legal basis of the proposal is Article 95 of the Treaties and such provisions are in fact competition law and should not

be part of type-approval legislation. JURI concludes that the legal basis of the COM proposal allows for such provisions to be in the Regulation and dismisses AMs made with the aim to delete those provisions. Almost identical AMs were in the IMCO and ENVI report on a new article on reporting of the system for access to vehicle repair info, which amendment made it to the agreed text.

With regards to **penalties**, these were introduced by the COM in its proposal (not existing in the previous directives), however, the Council expanded the provisions detailing all the fields to which penalties to manufacturers could apply, including specifically for the use of DDs (Annex p.18).

On the **review of the test cycle**, relevant are recitals 11+12 of the COM proposal, where the vocabulary of “real world emission” is used for the first time in COM proposal that also suggests the use of PEMs - Annex p.10+11). PEMs are not however mentioned in Article 5 (which is the case for the later on adopted HDV Regulation). With regards the provisions in Article 5(5) for the update of the test cycle, EP AM35 main goal is to request any change by Codecision, however, such was not agreed but update via RPS procedure, which was the Council proposal - provision appears under Article 14(3)(Annex p.19).

JURI Opinion - see above, opinion done on own initiative in relation to AMs tabled in IMCO on deletion of the vehicle access repair info provisions

IMCO Opinion - had AMs almost exclusively on the issue of vehicle access repair info provisions - see above

ITRE Opinion - in its 19 AMs the ITRE committee does not touch upon the main points of analysis here, and many overlap with those in the ENVI report.

TRAN Opinion -in its 24 AMs the TRAN committee does not touch upon the main points of analysis here, and many overlap with those in the ENVI report.

EURO V/VI HDV Regulation (EC) No 595/2009 - OEIL procedural page

Rapporteur/s	Matthias GROOTE (ENVI, S&D)	
Shadows	Anja WEISGERBER (EPP) Holger KRAHMER (ALDE)	Roberto MUSACCHIO (GUE) Margrete AUKEN (Greens) Johannes BLOKLAND (IND/DEM)
Rapporteurs for opinion	Anja WEISGERBER (IMCO, EPP) (14 AMs in total)	Johannes BLOKLAND (TRAN, IND/DEM) (25 AMs in total)
21/12/2007 15/01/2008 03/03/2008 05/06/2008 15/07/2008 11/08/2008 15/12/2008 16/12/2008 16/12/2008 08/06/2009 18/06/2009 18/06/2009 18/07/2009	Legislative proposal published Committee referral announced in Parliament, 1st reading Debate in Council Debate in Council Vote in committee, 1st reading Committee report tabled for plenary, 1st reading (28 AMs in total) Debate in Parliament Results of vote in Parliament Decision by Parliament, 1st reading/single reading Act adopted by Council after Parliament's 1st reading Final act signed End of procedure in Parliament Final act published in Official Journal	

Main conclusions on relevant provisions :

Unlike LDV Euro 5/6 Regulation, the HDV one now defines “**defeat strategy**” rather than “defeat device” thus doing away with the term of irrational emissions control strategy used in the old HDV Directive. The definition itself was not challenged either by EP or Council. With regards Article 5 and ban on defeat strategies, unlike LDV, there are no exemptions foreseen here - the prohibition is absolute.

The proposal, as with LDV, is mentioning **PEMs** already in recital 12+15 of the COM proposal, including the EP amendment to Recital 15 that calls for timely adoption of PEMs (Annex p.22). The key EP AM concerns Article 5 where EP adds the provision that the measures to be adopted by the COM for the implementation of Article 5 shall also include the subject of PEMs use - this AM did make it in the final text and was also referred to in a Recital 30 (Annex p.23+25) - this was not the case for LDV where PEMs were only mentioned in the recitals.

Council introduces a new definition for “tampering”, which did not exist previously (Annex p.24). Council also adds tampering as a punishable penalty activity in Article 11, the only change to that article given to the COM proposal.

In fact, the COM proposal on **penalties** is exactly the same as that amended and agreed in the LDV regulation.

IMCO Opinion - had AMs almost exclusively on the issue of vehicle access repair info provisions - with also amendment deleting the article on financial incentives with argument it is against the single market

TRAN Opinion -in its 25 AMs the TRAN committee touches mainly upon the issues of repair info access, retrofitting truck in-service, with many AMs overlap with those in the ENVI report. AM16 (pasted below) touches upon the recognition about the differences in in-lab and on-road emissions.

Amendment 16

Proposal for a regulation

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The tests must be based on both laboratory simulated and real driving emissions.

Justification

The Artemis study, co-financed by the EU framework on research and development, showed that emissions during real driving can differ considerably from laboratory-based results.

From explanatory statement of ENVI 1st reading report:

Independent tests show that emissions under real operating conditions can certainly differ from those measured in the test cycle. In order to ensure that vehicles abide by limits even outside the test cycle, the rapporteur calls for the use of portable emission measurement systems and the introduction of procedures to measure off-cycle emissions.

Directive 2007/46/EC on type-approval (Framework Directive) - [OEIL procedural page](#)

Rapporteur/s	<i>1st reading:</i> Giuseppe GARGANI (JURI, EPP)	<i>2nd reading:</i> Malcolm HARBOUR (IMCO, EPP)
Shadows	n/a	Pier Antonio PANZERI (S&D) Bill NEWTON DUNN (ALDE) Heide RÜHLE (Greens)
Rapporteurs for opinion	Gérard CAUDRON (ITRE, GUE) (<i>11 AMs in total</i>)	
14/07/2003 01/09/2003 22/01/2004 22/01/2004 11/02/2004 29/10/2004 11/12/2006 18/01/2007 12/04/2007 17/04/2007 09/05/2007 10/05/2007 10/05/2007 23/07/2007 04/09/2007 05/09/2007 09/10/2007	Legislative proposal published Committee referral announced in Parliament, 1st reading Vote in committee, 1st reading Committee report tabled for plenary, 1st reading Decision by Parliament, 1st reading (<i>34 AMs in total</i>) Modified legislative proposal published Council position published Committee referral announced in Parliament, 2nd reading Vote in committee, 2nd reading Committee recommendation tabled for plenary, 2nd reading Debate in Parliament Results of vote in Parliament Decision by Parliament, 2nd reading (<i>45 AMs in total</i>) Act approved by Council, 2nd reading End of procedure in Parliament Final act signed Final act published in Official Journal	

Main conclusions on relevant provisions:

Most of the issues of concern with regards legal clarity are found in the four legislative pieces on emissions analysed above. With regards the TA Framework Directive, the main issues would be discussions on:

- market surveillance & conformity of production
- access to technical info for repair and maintenance
- role and responsibilities of actors involved - TAAs, technical services, OEMs
- issue of penalties

With regards to the first point, **conformity of production** provisions are listed in Recital 11, Article 11 and Annex X of the COM proposal. There were no EP AMs on any of these provisions.

(13) In order to ensure that the procedure for monitoring conformity of production, which is one of the cornerstones of the Community type-approval system, has been correctly implemented and functions properly, manufacturers should be regularly checked by the competent authority or by an appropriately qualified technical service appointed for that purpose.

Council did not amend the recital but with regards Article 11 in the COM proposal (Article 12 in the adopted text), it added a new para which in a sense gives wider powers to the TAAs to ensure CoP is adhered to and that there are consequences to be taken if not the case:

“3. When a Member State which has granted an EC type-approval establishes that the arrangements referred to in paragraph 1 are not being applied, deviate significantly from the arrangements and control plans agreed, or have ceased to be applied, although production is not discontinued, that Member State shall take the necessary measures, including the withdrawal of the type-approval, to ensure that the conformity of production procedure is followed correctly.”

This new paragraph added is in line with the provision that existed in Article 29(1) in the COM proposal (Article 30(1) in the adopted text) on vehicles not in conformity where TAAs have specifically the power of withdrawal should vehicles do not conform to the type approved.

There are no provisions on **market surveillance and in-service checks**.

There were also AMs 17+18 in EP 1st reading position to allow independent operators **access to technical info for repair and maintenance**. These AMs were however dropped in the EP 2nd reading recommendation as the provisions on this issues have been dealt with in the COM proposal for Euro 5 Regulation (715/2007). To that end EP proposed only a recital that makes reference to the emissions regulation - that recital was agreed in the final text - recital 20 to the Framework Directive.

EP also at the time sought to **defer most of the dates** proposed by the COM by further 2-4 years to allow for affected actors to better prepare, which the Council rejected in its position.

Lastly, Article 46 on **Penalties** was introduced by the Council in its Common position, and was not part of the COM proposal.

The **ITRE Opinion** to the IMCO report pretty much followed the lead committee position and had similar AMs on the access to repair info, but did not propose to defer the entry into force as did the IMCO report.