



Verband der TÜV e. V.



Brussels, 17 November 2017

Dear Representatives of EU Presidency, Member States, European Parliament and Commission,

As the Dieselgate scandal continues to unroll across Europe, it is clear that our type approval and market surveillance system is in urgent need of reform. As you are finalizing the agreement on the Type Approval and Market Surveillance framework regulation we call on you to include the following key provisions in your final compromise next week:

1. **Independent and rigorous market surveillance** is paramount to any effective future system to ensure vehicles comply with all standards and requirements throughout their lifetime. Such verification tests must be carried out by both the Member States and the European Commission. Setting ambitious targets on the number of vehicles to be re-tested is crucial - checking the number equivalent to **1 in 50,000 registered vehicles annually is a bare minimum, but each vehicle should undergo all checks required in EU legal acts.** Division of tests into categories as proposed in the Council text will seriously limit the ambition of future market surveillance and make it more difficult to find non-compliance in the future.

2. The current type approval system is in dire need of more regulators' independence and accountability to restore consumer trust and offer a level playing field for industry. In the absence of a harmonised EU regulator, the future framework must introduce checks and balances so that all **national Type Approval and Market Surveillance Authorities apply EU law in a uniformly strict and consistent manner** and are not allowed to favour their home industries. This can only be achieved by rigorous and regular reviews undertaken by the Commission in cooperation with member states. The scope should be extended and include all activities related to type approval and verification tests of vehicles and their parts. The Forum should help oversee the work of national regulators, issue recommendations and apply sanctions if necessary. The membership of this Forum should be expanded.
3. The current type approval system in Europe lacks sufficient transparency and traceability. The future system will benefit from **more transparency and openness** as this will increase accountability. We call on legislators to put together a **European online database** with type approval and surveillance data made available to all stakeholders in digitally searchable format (such as where vehicles and parts were approved, information contained in Certificates of Conformity, including RDE emissions data, as well as some key testing specifications). This will allow a coherent and efficient exchange of data between authorities, save resources and red tape in the long run and is completely consistent with the Council text on electronic CoC's.
4. The current provisions on using defeat devices have to be clearly defined. Manufacturers should be obliged to provide **access to the software and algorithms** of any safety and environment related systems of the vehicle during type approval, as well as of any subsequent changes and developments to software made afterwards. Access to the repair and maintenance information (RMI) to third parties should also be guaranteed free of charge, to allow new entrants and increased service provision. Continuous verification of the software status during periodic technical inspections is necessary.
5. The majority of Member States are currently under an infringement procedure for failing to comply with the EU emission limits. European cities design air quality policies on the bases of current and projected fleet performance. While many cities across Europe have already implemented vehicle access regulations, they are heavily dependent on the European standards delivering the required emission reductions in real-world driving conditions. The new regulation should enable **public authorities to trust the effectiveness and accuracy of the tests undertaken** both in laboratory and on the road. This includes extending the **in-service and real-world tests to cover also CO2 emissions and fuel efficiency**. We regret that this mere provision to develop such tests in the future is deleted in the current text of the Council and we call on the legislators to include Article 91 as proposed by the Commission into the final law.

This ongoing type approval reform is one in a decade opportunity to improve Europe's vehicle testing system and ensure no cheating scandals may happen again in the future. This is in your

hands and your final trilogue negotiations will whether the future Type Approval and Market Surveillance Regulation delivers consistent rules, independent regulators, rigorous testing and transparency throughout.

We remain at your disposal for further information.

Yours sincerely,

Eurocities

POLIS

Transport & Environment

VdTÜV e.V.

