

Response to document ECE/TRANS/WP.29/2009/75

(Transposition of Euro 5/6 requirements into ECE R49.06)

OICA would like to thank the European Commission and its consultants (KTI - Hungary and VTT - Finland) for their considerable work in compiling this document and those related to it (ECE/TRANS/WP.29/2009/57 and ECE/TRANS/WP.29/2009/76).

This is essential work for the application of the most recent stages of European emissions legislation in Contracting Parties outside of the European Union.

However, having analysed the document, OICA has the following major concerns:

- It is proposed to amend the scope of Regulation 49 without incrementing the series of amendments (49.06). Since this change in scope is a fundamental change, OICA expects such a change of scope to increment the series of amendments.
- The proposal includes the requirements from Regulation (EC) 692/2008 which apply uniquely to Multi-Stage Type Approvals. Although there is no Multi-Stage approval process under the 1958 agreement, this text is required for EU application of the regulation and should therefore be retained.
- The proposal includes the allowance to extend the scope downwards to 2380 kg Reference Mass. As this allowance will be first introduced into the European Union through the yet to be published "Euro VI co-decision Act", OICA suggests it is premature to include this in this series of amendments.

A detailed assessment of OICA's concerns is attached as Appendix 1.

As the majority of the concerns with this paper surround the issue of the scope, and the Commission's own Communication ⁽¹⁾ indicates that the new reference mass limit that defines the scope of the Regulation may be incorrect, OICA would like to question whether this needs to be altered in ECE R49.

Considering that the scope of emissions and CO2 legislation in the European Union is still unresolved (the new CO2 Regulation will apply to all M1 vehicles) OICA proposes to leave the scope of Regulation 49 unchanged.

⁽¹⁾ see Official Journal of the European Union, C182, 19.7.2008, p.17 (see point 11).

Appendix 1 – Detailed comments:

Item	Page	Reference	Comment
1	1	<p><u>Proposal for amendments to the 06 series of amendments to Regulation No. 49</u> (Emissions of C.I. and P.I. (NG and LPG) engines)</p>	<p>OICA proposes not to amend the scope, however, if the scope is to be amended it raises the question whether it is fitting to change the scope of a Regulation without incrementing the series of amendments? ,</p>
2	2	<p>At the request of the manufacturer, the type approval of a completed vehicle given under this Regulation shall be extended to its incomplete vehicle with a reference mass below 2,610 kg. Type approvals shall be extended if the manufacturer can demonstrate that all bodywork combinations expected to be built onto the incomplete vehicle increase the reference mass of the vehicle to above 2,610 kg.</p>	<p>Remark: OICA knows of no process of multi stage vehicle approval in ECE legislation, and therefore the concept of “incomplete vehicles” appears meaningless here. This flexibility is however required for application of the Regulation in the EU.</p>
3	2	<p>At the request of the manufacturer, the type approval of a vehicle granted under this Regulation shall be extended to its variants and versions with a reference mass above 2,380 kg provided that it also meets the requirements relating to the measurement of greenhouse gas emissions and fuel consumption.</p>	<p>This allowance will be a component of the Euro VI Codecision Act that has yet to be published and needs to be interpreted/clarified in Comitology. Its inclusion here would create a discrepancy between EU and UN-ECE legislation. Therefore it would be advisable to await clarity of EU legislation before introducing this change.</p>

Item	Page	Reference	Comment																																															
4	2	<p style="text-align: center;">Table A: APPLICABILITY</p> <table border="1"> <thead> <tr> <th rowspan="2">Vehicle category <u>1</u>/</th> <th colspan="3">Positive-ignition engines</th> <th colspan="2">Compression-ignition engines</th> </tr> <tr> <th>Petrol</th> <th>NG ^(a)</th> <th>LPG ^(b)</th> <th>Diesel</th> <th>Ethanol</th> </tr> </thead> <tbody> <tr> <td>M₁</td> <td>-</td> <td>R49</td> <td>R49</td> <td>R49</td> <td>R49</td> </tr> <tr> <td>M₂</td> <td>-</td> <td>R49</td> <td>R49</td> <td>R49 or R83 ^{(c) (d)}</td> <td>R49</td> </tr> <tr> <td>M₃</td> <td>-</td> <td>R49</td> <td>R49</td> <td>R49</td> <td>R49</td> </tr> <tr> <td>N₁</td> <td>-</td> <td>R49 or R83 ^(d)</td> <td>R49 or R83 ^(d)</td> <td>R49 or R83 ^(d)</td> <td>R49</td> </tr> <tr> <td>N₂</td> <td>-</td> <td>R49</td> <td>R49</td> <td>R49 or R83 ^{(c) (d)}</td> <td>R49</td> </tr> <tr> <td>N₃</td> <td>-</td> <td>R49</td> <td>R49</td> <td>R49</td> <td>R49</td> </tr> </tbody> </table>	Vehicle category <u>1</u> /	Positive-ignition engines			Compression-ignition engines		Petrol	NG ^(a)	LPG ^(b)	Diesel	Ethanol	M ₁	-	R49	R49	R49	R49	M ₂	-	R49	R49	R49 or R83 ^{(c) (d)}	R49	M ₃	-	R49	R49	R49	R49	N ₁	-	R49 or R83 ^(d)	R49 or R83 ^(d)	R49 or R83 ^(d)	R49	N ₂	-	R49	R49	R49 or R83 ^{(c) (d)}	R49	N ₃	-	R49	R49	R49	R49	<ul style="list-style-type: none"> • EU legislation no longer differentiates in the scope between different fuels, therefore the columns “Petrol”, “NG”, “LPG”, “Diesel” and “Ethanol” and even “Positive-ignition engines” and “Compression-ignition engines” are all redundant. • M1, M2, N1 and N2 vehicles could fall under R49 or R83 depending on their reference weight and therefore the content of all cells in these rows would read “R49 or R83”. <p>OICA proposes to leave the scope and therefore this table unchanged until the situation in the EU is clarified.</p>
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5	2	^(c) Regulation No. 83 applies only for vehicles with a reference mass ≤ 2,610 kg as an extension of an approval given for a vehicle of categories M ₁ or N ₁ . <u>1</u> /	<p>This statement is incorrect. 715/2007 applies to all M1, M2, N1 and N2 vehicles ≤ 2,610 kg and may apply by extension to all M1, M2, N1 and N2 vehicles ≤ 2,840 kg</p>																																															

Item	Page	Reference	Comment
6	N/A	N/A	<p>What appears to be missing is the statement in 2005/55/EC that vehicles approved to the light duty legislation are thereby exempt from the heavy duty legislation. This text was included in paper ECE/TRANS/WP.29/2009/57 in error and reads:</p> <p>“.....Equivalent approvals</p> <p>The following do not need to be approved according to this Regulation:</p> <p>engines mounted in vehicles of up to 2840kg reference mass to which an approval to Regulation 83 has been granted as an extension.”</p>
7	N/A	N/A	<p>Another essential item that is missing from this proposal is the definition of “Reference Mass” which would be needed to define the scope but OICA proposes to leave the scope unchanged until the situation in the EU is clarified.</p>