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Fahrzeugemissionen – Test / Car Emissions – Test

Der aktuelle Bearbeitungsstand der Testverfahren bleibt weitestgehend unverändert. Sowohl der WLTP 2nd act als auch RDE 4¹ befinden sich noch in der Bearbeitung. Das nächste Treffen der entsprechenden Arbeitsgruppen findet im September statt. Sobald nennenswerte Fortschritte erzielt werden, wird das Thema wieder ausführlich behandelt. Bis dahin verweise ich auf den Newsletter Mai-Juni, der die gesamte Thematik (WLTP und RDE) im Detail behandelt.

The current state of the test procedures remains largely unchanged. Both the WLTP 2nd act and RDE 4² are still being processed. The next meeting of the relevant working groups takes place in September. Once significant progress has been made, we will report about it in detail. Until then, I refer to the Newsletter May-June (German), which covers the whole subject (WLTP and RDE) in detail.

Letzter Stand: 27/07/2017 Inkrafttreten der Verordnung (2017/1151) und entsprechenden Durchführungsbestimmungen für die schrittweise Erneuerung des NEFZ mit dem neuen WLTP-Prüfverfahren zur Messung des Kraftstoffverbrauchs und der CO₂-Emissionen (RDE 3)

Status Quo:

Entering into force of the Regulation (2017/1151) and its implementing Regulations for the incremental replacement of the NEDC testing procedure with the WLTP test for measuring vehicle fuel consumption and CO₂ emissions (RDE 3)

07/07/2017 Veröffentlichung der primären Verordnung für das WLTP (2017/1151) mit entsprechenden Durchführungsbestimmungen im Amtsblatt der EU (RDE 3)

Publication of the primary Regulation of the WLTP (2017/1151) with its implementing Regulations in the Official Journal of the EU (RDE 3)

Nächster Schritt: 07/09/2017 Nächstes Treffen der Arbeitsgruppe (TCMV) zum WLTP 2nd Act und RDE 4

Next Step:

Next meeting of the working group (TCMV) on WLTP 2nd Act and RDE 4

12/2017 Veröffentlichung des 4. RDE-Paketes

Publication of the 4th RDE package

¹ RDE wird in vier Gesetzespaketen eingeführt: (1) Mai 2015-2016 – Einführung von PEMS und Start einer Monitoring Phase bis August 2017; (2) Februar 2016 – Limitierung für NO_x und Grundbedingungen für RDE-Tests; (3) Dezember 2016 – Limitierung für PN, Einführung von Kaltstarttests und Hybrid-Regelungen; (4) Dezember 2017 – RDE-Testung von bereits im Feld befindlichen Fahrzeugen.

² RDE is introduced in four legislative packages: (1) May 2015-2016 - introduction of PEMS and launch of a monitoring phase until August 2017; (2) February 2016 - NO_x conformity factors and basic conditions for RDE tests; (3) December 2016 - PN conformity factor, introduction of cold-start tests and hybrid controls; (4) December 2017 - In-service conformity RDE testing.

Presse/Press: Governments should address negative tax impact of new car emissions test

27/07/2017

Brussels, 27 July 2017 – From 1 September this year, a new test for measuring emissions from cars, called WLTP, will officially apply to all new car types (models that are introduced on the European market for the first time). One year later, from September 2018, the lab test will be extended to all new cars sold across the EU. With little more than a month left, Europe’s auto manufacturers caution that consumers should not be faced with increased car taxation following the introduction of this new test.

WLTP will introduce much more realistic conditions for measuring emissions, such as CO₂, than the current lab test (NEDC). It will therefore provide a more accurate basis for calculating a car’s fuel consumption and emissions. The switch to WLTP will also have implications on vehicle taxation.

Currently, 19 EU member states apply CO₂ taxation to cars, based on the CO₂ values from the lab test. Simply because it is more rigorous than the old test, WLTP will result in a higher CO₂ value for a specific vehicle compared to NEDC. However, as the performance of the car itself will not be affected, the European Automobile Manufacturers’ Association (ACEA) calls on national governments to ensure that the transition to WLTP will not negatively impact vehicle taxation.

Even though WLTP will come into force this September, not all EU member states are adequately prepared for its introduction. If they simply apply the existing CO₂-tax scheme to the new WLTP values, they will effectively put a new car type introduced to the market after September in a higher tax band than a similar car hitting the market just before that date.

“National governments need to act to ensure that CO₂-based taxation will be fair, since WLTP will result in a higher CO₂ value for the one and same vehicle compared to NEDC,” stated ACEA Secretary General, Erik Jonnaert. “If they fail to do so, the introduction of the new test procedure could increase the financial burden on consumers.”

For example, as of September 2017 one car model might still have a value of 100g CO₂/km using the old NEDC test, but a recently approved car might come in at around 120g CO₂/km under the new WLTP test. The cars are nearly identical, except one has the latest test results. If a country’s CO₂-tax scheme were to remain unchanged, this would unjustly increase the tax burden on certain consumers and lead to overall confusion. Taxation systems need to be adapted to avoid this scenario.

Quelle/*Source*: acea.be

Presse/Press: EU commissioner tells Transport Ministers to clean up diesel cars to tackle the city air pollution crisis

19/06/2017

A leaked letter shows the EU industry commissioner has issued a stark warning to transport ministers that the consequences of the Dieselgate scandal, and the failure to clean up dirty diesel cars still on our roads, are contributing to a city air pollution crisis. The leaked letter, seen by Transport & Environment (T&E), stresses the need for carmakers to “rapidly reduce” NO_x emissions of the diesel fleet in Europe; and that in the absence of this cities are being increasingly forced to resort to “local diesel bans”.

In the letter, Commissioner Elżbieta Bieńkowska criticises member states for their failure to identify and clean up grossly polluting vehicles, writing that “further improvements of national market surveillance capacities are clearly needed...” She also makes clear the scandal has now spread beyond Volkswagen to “many other brands” which show too high emissions in real-driving conditions.

Following the recent announcement that Daimler is to recall three million vehicles for software upgrades, the commissioner asks ministers to be proactive and make “rapid progress” in bringing down NOX emissions in cities. Non-compliant cars should be removed from the market and circulation “as soon as possible,” she writes. The Commissioner also wants all non-compliant VW cars fixed by the end of 2017 or withdrawn from the road when they are inspected in 2018.

Greg Archer, clean vehicles director at T&E, said: “The Commissioner has clearly lost patience with carmakers and their friends in governments who have failed to take action against the 35 million dirty diesel cars on the EU’s roads. It is time for the industry to clean up the air and the mess they have created by recalling cars and upgrading the emissions controls systems.”

The Commission also hints at further legislation if the industry doesn’t act voluntarily or if member states fail to require cars to be cleaned up. Specifically she calls for a “Europeanisation” of national measures which are not yet possible under the current EU type-approval framework. This could avoid a situation in which cities establish different diesel ban rules, confusing car owners.

Greg Archer concluded: “Diesel bans are the inevitable consequence of the toxic air in cities and 70,000 deaths caused by breathing high levels of nitrogen dioxide – much from diesel vehicles. The only reason not to ban diesel cars is if the levels of pollution they emit are as low as from gasoline cars. A few diesel cars on the road already achieve this but the average new diesel is still producing nine times more NOx than a gasoline car.”

The commissioner also tells ministers she is convinced that “we should rapidly head for zero emission vehicles in Europe”. To facilitate this, the Commission is currently analysing ways to incentivise low and zero-emission vehicles in a technology neutral way, such as “setting specific targets for them”.

There are 35 million grossly polluting diesel cars and vans driving on Europe’s roads today, six million more than in 2015. These Euro 5 and 6 diesel cars and vans were sold in Europe between 2011 and 2016 and exceed the nitrogen oxides (NOx) limits by at least three times.

Quelle / *Source*: transportenvironment.org

Maut / Road Charges

Europäische PKW-Maut / *European Passenger Road Charges*

Letzter Stand: Im letzten Newsletter wurden die wichtigsten Implikationen des neuen europäischen Road-Packages für den PKW-Verkehr erläutert. Jedoch werden die zwei Richtlinienentwürfe zur einheitlichen streckenbasierten Maut und zur Interoperabilität elektronischer Mautsysteme und dem Informationsaustausch vorerst ruhen. Auch wenn es bereits erste Entwicklungen, wie beispielsweise die Aufteilung der Zuständigkeiten zwischen den Fraktionen, gibt, wird ein wirklicher Start der Diskussionen

Status Quo:

nach dem Sommer erwartet. Spätestens dann werden wir detailliert über die Entwicklungen berichten.

The most recent implications of the new European road package for passenger car traffic were explained in the last newsletter. However, the two draft directives on the uniform distance-based toll and the interoperability of electronic toll systems and the exchange of information will be suspended for the time being. Even if there are already initial developments, such as the division of responsibilities among the fractions, a real start of the discussions is expected after the summer. At the latest, we will report in detail about the developments.

Deutsche Infrastrukturabgabe / *German "Infrastructure Fee"*

Letzter Stand: Status Quo:	31/05/2017	Veröffentlichung des EU Road Packages durch EC, darin u.a. Regelungen zur Maut und dem europäischen elektronischen Mautsystem (siehe oben), Seite der Kommission zum Road Package hier
		<i>Publication of the EU Road Package by the EC incl. regulations on tolls and the European electronic toll system (see evaluation), the Commission's Road Package page here</i>
	17/05/2017	Kommission stellt Vertragsverletzungsverfahren gegen Deutschland ein
		<i>Commission stops infringement proceedings</i>
	08/03/2017	Entschließung des Europäischen Parlaments, Text hier
		<i>European Parliament resolution, text here</i>
	02/2017	Veröffentlichung der Studie des Fachbereichs Europa im Deutschen Bundestag, die an Vorwurf der Diskriminierung ausländischer Fahrer festhält, Dokument
		<i>Publication of the Study of the Department of Europe in the German Bundestag, which hold on to the allegations of discrimination against foreign drivers, Document (German)</i>
	25/01/2017	Kabinettsbeschluss zur dt. PKW-Maut
		<i>Cabinet Decision on the German car toll</i>
	30/11/2016	Einigung zwischen Kommissarin Bulc und Minister Dobrindt, Vertragsverletzungsverfahren liegt damit zunächst auf Eis
		<i>Agreement between Commissioner Bulc and German Minister Dobrindt, infringement proceedings are thus initially on hold</i>

Nächste Schritte: <i>Next Steps:</i>	06-07/2017	Einleitung des dreimonatigen Vermittlungsverfahrens als Vorverfahren der Klage <i>Initiation of the three-month conciliation procedure as a preliminary procedure to the lawsuit</i>
	06-07/2017	Stellungnahme der Kommission zur Einstellung des Vertragsverletzungsverfahrens <i>Opinion of the Commission on the cessation of the infringement procedure</i>

 *For English, click [here](#)*

Letzter Stand: Nachdem das Treffen der Verkehrsminister der Niederlande, Österreichs, Belgiens und Luxemburgs am 07.06.2017 ergeben hatte, dass Österreich mit einer Klage gegen Deutschland vor dem EuGH vorerst alleine dasteht, hat Österreich jetzt offiziell den ersten Schritt zur Klage eingeleitet. Der österreichische Verkehrsminister Leichtfried (SPÖ) hat die Kommission schriftlich aufgefordert, sich mit der „Verletzung der Verpflichtungen aus Verträgen durch die Bundesrepublik Deutschland durch die Pkw-Maut bzw. Infrastrukturabgabe“ zu befassen. Damit beginnt das dreimonatige Vermittlungsverfahren, welches ein notwendiges Vorverfahren für die Klage darstellt. Sofern die Kommission nach der Stellungnahme von Deutschland und Österreich nicht selber aktiv werden sollte, kann Österreich die Klage einreichen. Im Falle einer Klage bleibt auch abzuwarten, ob sich weitere Staaten der Klage anschließen werden. Leichtfried ist nach wie vor der Ansicht, dass die Maut ausländerdiskriminierend sei.

Bewertung: Die Modifikationen, die zur Einigung zwischen Deutschland und der Kommission geführt haben, betreffen im Wesentlichen die Abänderung der Kurzzeitvignettentariife und der Kompensation der deutschen Autofahrer. Anstelle von dreien soll es künftig eine breitere Staffelung in Form von fünf Tarifen geben, die sich je nach Umweltverträglichkeit zwischen 2,50 EUR und 20 EUR bewegen. Problematischer als diese Änderungen sind jedoch jene, die die Kompensation deutscher Autofahrer betreffen: So sollen künftig Halter von besonders umweltfreundlichen Fahrzeugen Rückerstattungen erhalten, die über die Mautzahlung hinausgehen, während alle anderen – wie im Ursprungsentwurf – von Kompensationen in Höhe der Infrastrukturabgabe ausgehen können. Das so zu erwartende Einnahmefizit soll laut Dobrindt durch den Aufschlag bei der teuersten Kurzzeitvignette kompensiert werden, so dass sich laut seiner Rechnung keine Änderungen bei den zu erwartenden Einnahmen ergeben. Dies führt – je nach Bewahrheitung - zu zwei möglichen Szenarien: Entweder diese Rechnung geht nicht auf, es kommt zu einer Finanzierungslücke und das gesamte Mautmodell führt bei hohem bürokratischen Aufwand zu keinen Mehreinnahmen. Alternativ – wenn die Prognose Dobrindts stimmt – zahlen ausländische Fahrer kumuliert noch einmal mehr als im Ursprungsentwurf und insbesondere die (ausländischen) Fahrer älterer, weniger umweltfreundlicher Autos kommen für die Überkompensation inländischer Fahrzeughalter von umweltfreundlichen Fahrzeugen auf. Dies entspricht nicht dem europäischen Gedanken, stellt keine saubere Entkoppelung von Maut und Kfz-Steuer dar und ist bei aller Absicht, den Umstieg auf

umweltfreundliche Fahrzeuge zu fördern, kein geeignetes Mittel, da hier auch die soziale Komponente außer Acht gelassen wird.

Ob die momentane Form der Maut noch ausländerdiskriminierend ist und welche Aussicht eine Klage vor dem EuGH hat, bleibt auch unter Experten umstritten. Eine weitere offene Frage ist, welche Auswirkung die Maut auf Grenzregionen hätte. Eine kürzlich veröffentlichte Folgenabschätzung des ITEM Expertise Centre der Maastricht Universität besagt, dass die Maut negative ökonomische, ökologische und soziale Folgen haben könnte. So drohen deutschen Unternehmen in grenznähe finanzielle Verluste aufgrund einer rückläufigen Anzahl von Kunden. Ausweichverkehre von Autobahnen auf sekundäre Straßen könnten außerdem einen negativen Einfluss auf die Umwelt haben. Des Weiteren besteht die Gefahr, dass eine mögliche Diskriminierung einen verstärkenden Effekt auf indirekt existierende Grenzen innerhalb der EU haben könnte. Auch die vor kurzem im Road-Package vorgeschlagene Harmonisierung der Mautsysteme wird so schwieriger und im schlimmsten Fall könnte sogar eine weitere Heterogenisierung drohen, wenn sich andere Staaten ebenfalls für den deutschen Weg entscheiden.

Status Quo:

Since the meeting of transport ministers of the Netherlands, Austria, Belgium and Luxembourg on 7th June 2017 had shown that Austria will be alone with an action against Germany before the ECJ for the time being, Austria now officially took the first step to the lawsuit. The Austrian transport minister, Leichtfried (SPÖ), has asked the Commission, in written form, to deal with the "breach of obligations from contracts by the Federal Republic of Germany by car tolls or infrastructure charges". This launches the three-month mediation procedure, which is a necessary preliminary procedure for the action. If the Commission does not wish to take action itself after the statements of Germany and Austria, Austria may file the action. In the event of an action, it remains to be seen whether further states will join the lawsuit. Leichtfried still argues that the German toll is discriminatory.

Evaluation:

The modifications which led to the agreement between Germany and the Commission essentially concern the amendment of the short-term vignette tariffs and the compensation of German drivers. Instead of three, there will be a broader scale in the form of five tariffs, depending on the environmental compatibility between EUR 2.50 and EUR 20. More problematic than these changes are, however, those which concern the compensation of German motorists. In the future, holders of particularly environmentally friendly vehicles are to receive refunds which go beyond the road charges, whereas all others - as in the original draft - will be compensated by the amount of the infrastructure charges. According to Dobrindt, the revenue deficit is thus expected to be compensated by the mark-up on the most expensive short-term vignette, so that, according to his calculations, no changes occur in the expected revenues. This leads to two possible scenarios, depending on the circumstances: either this calculation does not work out, there is a financing gap and the entire toll model does not lead to any budgetary surplus while having increased bureaucratic efforts. Alternatively, if Dobrindt's prognosis is correct, foreign riders pay cumulatively even more than in the original draft, and in particular (foreign) drivers of older, less environmentally friendly cars account for the overcompensation of domestic vehicle owners of environmentally friendly cars. This does not correspond to the European idea,

does not represent a clean decoupling of tolls and car tax, and is not a suitable mean of promoting the transition to environmentally friendly vehicles, since the social component is also ignored here.

The questions whether the current form of the German toll is still discriminatory against foreigners and which prospect a lawsuit could have, remains controversy under experts. Another open question is the impact of the toll on border regions. A recent impact assessment of the ITEM Expertise Center at Maastricht University shows that the tolls could have negative economic, environmental and social consequences. For example, German companies face financial losses due to a declining number of customers. Shunpiking to secondary roads could also have a negative impact on the environment. Furthermore, there is a risk that a possible discrimination could have a reinforcing effect on indirectly existing borders within the EU. The harmonization of toll systems proposed in the road package is also becoming more difficult, and in the worst case there is even the risk of further heterogenization, if other states choose the German way.

Connected Cars – Zugang zu den Fahrzeugdaten / Access to Car Data

Letzter Stand: Status Quo:	Bis/ <i>until</i> 28/07/2017	Öffentliche Konsultation: <u>Evaluation of the Intelligent Transport Systems (ITS) Directive</u> (EAC beteiligte sich)
		<i>Public Consultation: <u>Evaluation of the Intelligent Transport Systems (ITS) Directive</u> (EAC participates)</i>
	14/06/2017	Veröffentlichung der „Certificate Policy for Deployment and Operation of European C-ITS“
		<i>Publication of the „Certificate Policy for Deployment and Operation of European C-ITS“</i>
	10/01/2017	Veröffentlichung des EC-Papiers „ <u>Building a European Data Economy</u> “
		<i>Publication of the EC-document "<u>Building a European Data Economy</u>"</i>
	02/12/2016	Veröffentlichung der ACEA-Position „ <u>Access to vehicle data for third-party services</u> “
		<i>Publication of the ACEA position "<u>Access to vehicle data for third-party services</u>"</i>
	30/11/2016	Veröffentlichung des Masterplans „ <u>European strategy on Cooperative Intelligent Transport Systems, a first milestone towards cooperative, connected and automated mobility</u> “ der Kommission

		<i>Publication of the Commission's master plan "European strategy on Cooperative Intelligent Transport Systems, a first milestone towards cooperative, connected and automated mobility"</i>
	10/2016	Veröffentlichung des Arbeitspapiers „ Access to the vehicle and vehicle generated data “ des VDA, u.a. zur Kategorisierung der Fahrzeugdaten
		<i>Publication of working paper "Access to the vehicle and vehicle generated data" of the VDA, e.g. for categorizing the vehicle data (German)</i>
	29/01/2016	Veröffentlichung des C-ITS Reports
		<i>Publication of the C-ITS report</i>
Nächster Schritt: Next Step:	2. Quart. 2017	Veröffentlichung der Studie im Nachgang zur C-ITS Plattform zur technischen und rechtlichen Bewertung von Konzepten zum Zugang zu den Fahrzeugdaten
		<i>Publication of the study following the C-ITS platform for the technical and legal assessment of concepts for access to vehicle data</i>
	2. Quart. 2017	Kommission muss sich zu möglichem Regelungsbedarf hinsichtlich einer „interoperablen, standardisierten, sicheren und offenen Plattform“ im Fahrzeug im Sinne des Mandats in der eCall-Verordnung äußern
		<i>The Commission must comment on possible regulatory requirements for an "interoperable, standardized, safe and open platform" within the vehicle as defined in the eCall Regulation</i>

 [For English, click here](#)

Bewertung:

Insgesamt gibt es zurzeit auf EU-Ebene nur wenig Bewegung im Bereich Connected Cars und Zugang zu Fahrzeugdaten. Die Studie, die im Nachgang zur C-ITS Plattform in Auftrag gegeben wurde und die die technischen Zugangsmöglichkeiten auf Machbarkeit/Kosten etc. untersuchen soll, wurde nach wie vor nicht veröffentlicht. Es bleibt abzuwarten, wann diese veröffentlicht wird und wie sinnig und verwertbar sie angesichts der fortschreitenden Faktenlage dann noch sein wird. Voraussichtlich wird sich die Kommission erst nach Fertigstellung der Studie entscheiden, wie mit dem Mandat, im Fahrzeug eine „interoperable, standardisierte, sichere und offene Plattform“ zu schaffen, umgegangen wird.

Klares Ziel muss es sein, eine Rechtsgrundlage für den remote-Zugriff auf die Fahrzeugdaten zu schaffen, wie es ihn analog zum physischen Zugriff (in der Typgenehmigungsverordnung) bereits gibt und für die Zwischenzeit den alternativen Zugriff via OBD/Dongle nicht aus der Hand zu geben.

Sonstiges: Unabhängig von der oben genannten Problematik veröffentlichte die Kommission vor kurzem eine Policy-Studie zu „Öffentliche[n] Unterstützungsmaßnahmen für verbundenes und automatisiertes Fahren“ (Public support measures for connected and automated driving), welche bestehende finanzielle, technologische und regulatorische Hindernisse in der EU im Vergleich zu konkurrierenden Drittstaaten (USA, China, Japan and Korea) identifizieren sollte. Des Weiteren sollten die globale Wirksamkeit und Kohärenz der EU-Instrumente zur Unterstützung der Entwicklung von ‚Connected and Automated Driving‘ (C&AD) beurteilt werden. Auf Basis der Ergebnisse, wurden Policy-Empfehlungen für den wettbewerbsfähigen Einsatz von C&AD in Europa formuliert:

- Einrichtung einer kohärenten Finanzierungsstrategie zur Unterstützung der EU-Position im globalen C&AD-Markt
- Festlegung eines kohärenten nationalen und europäischen Rechtsrahmens für C&AD
- Entwicklung einer gemeinsamen europäischen Gesetzgebung über die Haftung für Hersteller, Fahrer und Dritte
- Ausrichtung und Umsetzung nationaler und europäischer Initiativen zur Förderung eines C&AD-Bewusstsein und Akzeptanz
- Gleichzeitige Priorisierung der Investitionen in die Konnektivitätstechnologie zwischen Fahrzeugen und Infrastrukturen sowie Verbesserungen der Straßeninfrastruktur
- Förderung einer zusätzlichen und kontinuierlichen europäischen und internationalen Zusammenarbeit in allen Bereichen der C&AD
- Stärkung der industriellen und technologischen Zusammenarbeit zwischen der EU-ICT und der Fahrzeugindustrie

Schlussbericht der Studie [hier](#).



Evaluation:

Overall, there is currently little movement at EU level in the area of connected cars and access to vehicle data. Contrary to what was expected, the study, which was commissioned in the follow-up to the C-ITS platform and which is to examine the technical access possibilities for feasibility/costs etc., has not yet been published. It remains to be seen when the study will be published and how meaningful and usable it will be in the face of progressive facts. It is expected that the Commission will not decide how the mandate of creating an "interoperable, standardized, secure and open platform" vehicles will be taken until the study has been completed.

The clear objective must be to establish a legal basis for the remote access to vehicle data, as it already exists analogous to physical access (in the type approval-Regulation), while not letting the alternative access via OBD/dongle slip away.

Other:

Regardless of the above problem, the Commission has recently published a policy study on "Public support measures for connected and automated driving", which identify existing financial, technological and regulatory barriers in the EU compared to competing third countries (USA, China, Japan and Korea). Furthermore, the overall effectiveness and consistency of the EU instruments to support the development of 'Connected and Automated Driving' (C&AD) should be assessed. On the basis of the results, policy recommendations for the competitive use of C&AD in Europe were

formulated:

- a) Establish a coherent funding strategy supporting the EU position in the global C&AD market
- b) Establish a coherent national and European legal framework for C&AD
- c) Develop a common European legislation on liability for manufacturers, drivers and third parties
- d) Align and implement national and European initiatives for promoting C&AD awareness and acceptance
- e) Simultaneously prioritize investments in connectivity technology between vehicles and infrastructure and improvements to road infrastructure
- f) Foster additional and continuous European and international cooperation in all domains of C&AD
- g) Strengthen industrial and technological cooperation between the EU ICT and vehicle manufacturing industries

Final report [here](#)

Straßenverkehrssicherheit / Road Safety

Sicherheit von Fahrzeugen und Fußgängern / *Safety of Vehicles and Pedestrians*

Letzter Stand <i>Status Quo:</i>	14/07/2017	Veröffentlichung der <u>Road-Map</u> zur Überprüfung der Verordnung (EG) 661/2009/EG und 78/2009
		<i>Publication of the <u>Road-Map</u> on the revision of Regulation (EG) 661/2009/EG und 78/2009</i>
Nächster Schritt <i>Next Step:</i>	31/07/2017- 22/10/2017	<u>Öffentliche Konsultation</u> zur Überprüfung der Verordnung über die allgemeine Fahrzeugsicherheit und der Verordnung zum Schutz von Fußgängern
		<i><u>Public Consultation</u> on the revision of the Vehicle General Safety Regulation and the Pedestrian Safety Regulation</i>

 [For English, click here](#)

Überblick: Im Zuge des in 2010 formulierten Zieles der Halbierung von Todesfällen im Straßenverkehr bis 2020 und der im März dieses Jahrs vereinbarten ergänzenden Zielsetzung schwere Verletzungen im Straßenverkehr ebenfalls zu halbieren, gibt es nun einen konkreten Vorschlag der Kommission Sicherheitsstandards an den neusten Stand der Technik anzupassen.

Die Kommission plant sowohl die allgemeine Sicherheitsverordnung (EG) 661/2009 (Typgenehmigung) und die Fußgängersicherheitsverordnung (EG) 78/2009 zu überarbeiten. Die beiden Verordnungen enthalten die Verpflichtungen, die Fahrzeughersteller hinsichtlich der technischen Anforderungen und der Prüfprotokolle erfüllen müssen, um sicherzustellen, dass Fahrzeuge so konzipiert und konstruiert sind, dass das Verletzungsrisiko für die Fahrzeuginsassen sowie für andere Verkehrsteilnehmer minimiert

wird. Die allgemeine Sicherheitsverordnung fordert die Kommission auf, dem Europäischen Parlament regelmäßig mit Änderungsvorschlägen der Verordnung oder anderen einschlägigen Gemeinschaftsvorschriften Bericht zu erstatten. Diese Vorschläge beziehen sich auf die Einbeziehung weiterer neuer Sicherheitsfeatures, die den CARS 2020 und den Richtlinien für die Straßenverkehrssicherheit 2011-2020 entsprechen. Die Fußgängersicherheitsverordnung verpflichtet auch die Kommission, dem Europäischen Parlament Überwachungsberichte vorzulegen.

Da beide Verordnungen auf dem technischen Stand von November 2014 basieren und es in den letzten Jahren große Fortschritte im Bereich Sicherheitstechnik gab, sieht die Kommission nun Anpassungsbedarf. Explizit nennt die Kommission Technik zur Reduzierung von Unfällen (z.B. Verbesserung der Crash-Test Leistungen), Maßnahmen zur Verringerung von Unfällen und zum Beitrag zu anderen Policy-Zielen (z.B. Erhöhung der Automatisierungseigenschaften in Fahrzeugen), Maßnahmen zur Reduzierung von CO₂-Emissionen (z.B. intelligente Geschwindigkeitsunterstützung und Reifendrucküberwachungssysteme), und Schließung von aktuell existierenden Gesetzeslücken (z.B. Ausnahmen in SUV Crash-Tests).

Wie für eine Road-Map üblich, listet die Kommission drei mögliche Policy-Optionen:

- a) keine Regulierungsinitiative
- b) Soft-Law Maßnahmen (einschließlich einer Selbst- oder Ko-Regulierung seitens der Autohersteller)
- c) Regulatorische Initiative
 - Anpassung der EU Gesetzgebung an aktuelle technischen EU- und UNECE-Bestimmungen sowie aktuellen Sicherheitsfeatures
 - Kommission nennt diesbezüglich 19 konkrete Sicherheitsfeatures zur Reduzierung von Autounfällen (basiert auf einer Studie des Transport Research Laboratory)

Die Kommission hebt außerdem die Bedeutung des European New Car Assessment Programme (NCAP). Die von Euro NCAP durchgeführten Crash-Tests sind strenger als die von der Regulierung geforderten, sodass ein Auto, welches nur die gesetzlichen EU Mindestanforderungen erfüllt, eine Null-Sterne NCAP-Bewertung erhalten würde. Seit 2009 müssen Autos in vier „Boxen“ (erwachsenen Insassenschutz, Kinderinsassenschutz, Fußgängerschutz und Sicherheitsassistenzsysteme) gut abschließen, um die 5-Sterne-Bewertung zu erhalten.³

Bewertung:

Der Vorstoß der Kommission, die Sicherheitsvorschriften an den aktuellen Stand der Technik anzupassen, ist sehr zu begrüßen und ist eine notwendige Maßnahme, um den bestmöglichen Schutz für Teilnehmer des Straßenverkehrs in Europa zu garantieren. Eine reine Selbstregulierung ist nicht unbedingt zielführend. Entsprechend sollte eine Anpassung der

³ Ein wichtiger Indikator für das Niveau der Fahrzeugsicherheit in Europa ist, welcher Anteil der verkauften und getesteten Fahrzeuge das höchste NCAP Rating hat. Eine Einschätzung des ETSC von 2009 zum NCAP ergab, dass es sehr signifikante Unterschiede zwischen osteuropäischen/mitteleuropäischen EU-Staaten und westeuropäischen EU-Staaten gibt.

Verordnungen folgen. Es sollte jedoch beachtet werden, dass der erzwungene Einbau neuer Technik Kosten verursachen wird, welche wiederum zu den Konsumenten umgeleitet werden könnten. Diese Problematik benennt die Kommission jedoch und stellt eine unabhängige Kosten-Nutzen-Analyse für jede Maßnahme in Aussicht. Ebenso sollten die Änderungen durch weitere Policies in anderen Bereichen (z.B. Infrastruktur) ergänzt werden. Auch die ökologischen Nebeneffekte sind positiv zu bewerten.

 **Overview:**

By virtue of the 2010 target of halving deaths in road traffic by 2020 and the complementary goal agreed in March of this year to halve also serious road injuries, the Commission now published a Roadmap concerning a proposal to adapt safety standards to the current technical state of the art.

The Commission is planning to revise both the general safety regulation (EC) 661/2009 (type-approval) and the Pedestrian Safety Regulation (EC) 78/2009. The two Regulations contain the obligations which vehicle manufacturers must meet with regard to the technical requirements and the test protocols in order to ensure that vehicles are designed and constructed in such a way that the risk of injury is minimized for the vehicle occupants as well as for other road users. The general safety regulation calls on the Commission to report regularly to the European Parliament with amendments to the Regulation or other relevant Community legislation. These proposals relate to the inclusion of other new safety features that comply with the CARS 2020 and road safety regulations 2011-2020. The Pedestrian Safety Regulation also obliges the Commission to submit monitoring reports to the European Parliament.

Since both regulations are based on the state of the art of November 2014 and there has been great progress in the field of safety technology in recent years, the Commission is now looking to adapt. The Commission explicitly mentions technology to reduce accidents (e.g. improvement of crash test performance), measures to reduce accidents and to contribute to other policy objectives (e.g. increasing the automation features in vehicles), measures to reduce CO2 emissions (e.g. intelligent speed support and tire pressure monitoring systems), and closure of currently existing legal gaps (e.g. exceptions in SUV crash tests).

As usual for a road map, the Commission lists three possible policy options:

- a) no regulatory initiative*
- b) soft-law measures (including self-regulation or co-regulation by car manufacturers)*
- c) Regulatory initiative*
 - Adapt EU legislation to current technical EU and UNECE regulations as well as current safety features*
 - The Commission mentions 19 concrete safety features for the reduction of car accidents (based on a study by the Transport Research Laboratory)*

The Commission also stresses the importance of the European New Car Assessment Program (NCAP). The crash tests carried out by Euro NCAP are stricter than those required by the regulation, so that a car that only meets

the legal EU minimum requirements would be given a zero-star-NCAP-rating. Since 2009, cars must be evaluated in four "boxes" (adult occupant protection, pediatric occupant protection, pedestrian protection and safety assist systems) as good in order to get the 5-star-rating.⁴

Evaluation: *The Commission's proposal to adapt the safety rules to the technical state of the art is very welcome and is a necessary measure to ensure the best possible protection for road users in Europe. A pure self-regulation is not necessarily purposeful. Accordingly, an adjustment of the regulations should follow. However, it should be noted that the forced installation of recent technology will cause costs that could be redirected to consumers. However, the Commission identifies this issue and provides an independent cost-benefit analysis for each measure. Likewise, the changes should be supplemented by other policies in other areas (such as infrastructure). The ecological side effects are also to be assessed positively.*

Straßeninfrastruktur und Tunnelsicherheit / Road Infrastructure and Tunnel Safety

Letzter Stand: 13/06/2017 Veröffentlichung der Road-Map zur Revision von 2008/96/EG und 2004/54/EG

Status Quo:

Publication of the Road-Map on the revision of 2008/96/EC and 2004/54/EC

Nächster Schritt: Bis/*until* 10/09/2017 Öffentliche Konsultation zu Straßeninfrastruktur und Tunnelsicherheit (EAC beteiligt sich)

Next Step:

Public consultation on road infrastructure and tunnel safety (EAC participates)

4. Quart. 2017 Entscheidung der Kommission

Decision of the Commission

Meldungen zu weiteren Themen / Reports on further topics

26/07/2017

Presse/Press: UK to ban sale of new petrol, diesel cars and vans from 2040

British government to follow France in banning sale of polluting vehicles.

The British government will announce Wednesday it intends to ban all new petrol and diesel cars and vans from 2040 to improve air quality, Environment Secretary Michael Gove said.

Gove will announce the move as part of the U.K.'s clean air plan, in response to fears rising levels of the pollutant nitrogen oxide are a major risk to public health.

⁴ *An important indicator of the level of vehicle safety in Europe is what proportion of the number of tested vehicles actually sold meet Euro NCAP's highest safety ratings. An assessment of the ETSC from 2009 to the NCAP showed that there are significant differences between Eastern European/Central European countries and Western European EU countries.*

“It’s important that we gear up for a significant change that deals not just with the problems to health caused by emissions but the broader problems caused by climate change,” Gove told the BBC’s Today program. “We can’t carry on with diesel and petrol cars.”

Gove said it was possible that certain diesel vehicles could be banned from British roads or that users could be charged, but said he was in favor of “surgical interventions” at a local level rather than levies or scrappage schemes.

The plan will pledge some £200 million in funding for local authorities to cut air pollution in their areas, which could, for instance, support the renewal of bus fleets to make them cleaner, Gove said.

Britain’s Department for Environment, Food and Rural Affairs published a draft plan seeking to cut down levels of nitrogen dioxide in May. Last year, the British High Court ruled a previous version of the plan was insufficient and ordered the government to come up with stronger measures in response to a lawsuit brought by NGO ClientEarth.

A plan to ban the sale of new petrol and diesel vehicles in the U.K. was initially floated by Britain’s Liberal Democrats in 2014, and was widely panned by the media.

The news comes on the back of a similar move in France to end the sale of petrol and diesel cars by 2040 as part of a larger effort to reach carbon neutrality by 2050.

Quelle/*Source*: politico.eu

28/07/2017 (updated: 02/08/2017)

Presse/Press: German ‘car cartel’ conundrum

Allegations against Germany’s mighty car industry have flown thick and fast this week, but regulators are still asking themselves whether the carmakers really operated a hardcore cartel that scammed consumers for decades.

Brussels and Bonn are investigating whether Germany’s top five auto companies — Audi, BMW, Daimler, Porsche and Volkswagen — colluded at regular, and secret, meetings held to discuss technical standards, suppliers, costs and other issues. The meetings, revealed by Der Spiegel, spanned more than two decades.

What looks like a cartel to outsiders may not be so obvious to regulators. Despite the stunning allegations, antitrust enforcers in Brussels are proceeding with caution. Automakers are quietly mounting a defense. And BMW, one of the five supposed members, said it has been neither raided by antitrust enforcers in connection to this inquiry nor questioned about the concerns.

Why would Volkswagen and Daimler formally confess to a cartel if there wasn’t one? The prospect of gaining immunity from fines by blowing the whistle is an enticing one — too much so, say critics, who argue the immunity system encourages companies to portray their conduct in the worst possible light. After all, it’s the others that will have to foot the bill before regulators.

What first appears to be collusion can look different when new facts emerge, or when those facts don’t mean a breach of EU laws. The Commission dropped a cartel probe into bioethanol producers earlier this year. And some 18 months ago it dropped charges that the world’s largest investment banks colluded to carve up the market for credit default swaps.

“Except in classical cartel cases, the mere fact that competitors would collaborate and exchange information is not in and of itself sufficient to find a violation,” said Paul Lugard, a partner at law firm

Baker Botts in Brussels. Whether it is illegal or not depends on how they cooperated and why, what sort of information was exchanged and what effect the collaboration had, he explained.

There are suggestions from Brussels that at least some of the carmakers' conduct falls into a gray zone.

Competitors can and do work together on developing new technologies or rolling out essential infrastructure. Joint purchasing, which seems to have been part of what was discussed, can foster competition.

"It is quite common for car manufacturers all over the world to engage in an exchange on technical issues in order to accelerate the pace and quality of innovations," Volkswagen said in a statement Wednesday that didn't directly address the allegations. It added that cooperation between competitors can cut costs for consumers.

A Daimler spokesperson declined to comment on "speculations" but said the company has a "comprehensive antitrust compliance program." A spokesperson for BMW said it was assessing the situation. Earlier this week it said that certain discussions reported by Der Spiegel aimed to increase the availability of diesel exhaust fluid in Europe.

Germany's car industry is widely considered the ultimate symbol of the country's economic prowess, and its influence stretches deep into politics and the administration.

The Commission says it's not giving anyone preferential treatment. "Our track record of busting cartels, especially in the car sector, speaks for itself," said Ricardo Cardoso, the Commission spokesperson for competition. The Commission notes it has uncovered nine cartels in the automotive sector over the past 10 years and fined companies almost €6 billion — including a €2.9 billion sanction for a cartel of truckmakers that included Daimler and two Volkswagen subsidiaries.

The Commission confirmed it is assessing information about the exchanges between carmaker engineers, adding it was "premature at this stage to speculate further."

Der Spiegel, which published a detailed and damning investigation into "das Kartell" late last week, said Volkswagen, the world's largest carmaker, confessed to German and European enforcers in July 2016 in a bid to secure immunity from fines. The Süddeutsche Zeitung says Daimler submitted information to regulators in 2014, or even earlier.

One crucial element makes it nearly impossible for the Commission, as well as the carmakers, to defend themselves in public: The omertà imposed around cartel probes.

"If you mention [the case], you lose any benefit," said one antitrust lawyer, who declined to comment on the record because his firm does work for the German car sector.

Defendants are stripped of their immunity or any leniency if they reveal their talks with the Commission, as that might prompt others to destroy evidence. The Commission keeps its communications to the bare minimum, for fear of tipping off potential defendants and to respect the presumption of innocence.

That seems a strange position to maintain when almost all of Europe now knows the Commission is looking at this issue. But it explains the short and sometimes cryptic remarks from all sides.

Daimler has already picked up a record €1 billion cartel fine for colluding with rival truckmakers.

"I think more likely is that Daimler was severely hit by [the investigation into the trucks cartel] and they wanted to be on the safe side," said one seasoned observer who requested anonymity as his

firm is seeking a mandate in the probe. The same would apply to Volkswagen, which has paid out \$20 billion over Dieselgate and has two subsidiaries caught up in the trucks cartel.

Analyzing whether exchanges between competitors actually qualify for an exemption under EU competition law can take time.

“It is possible that these are arrangements between competitors that have some benefits, but this might have slipped into a cartel,” the antitrust lawyer said.

Cardoso, the Commission spokesperson, said: “The length of cartel investigations is case-specific and depends on a number of factors, including the complexity of the case and the cooperation of the companies with the Commission and the exercise of the rights of defense.”

In the trucks cartel, Volkswagen’s subsidiary MAN first contacted the Commission with information in September 2010, prompting dawn raids across the sector that January.

The Commission’s reaction is not always so prompt.

In a decision sanctioning a cartel rigging the sale of thermal systems of cars, which led to fines of €155 million in March 2017, Panasonic went to regulators in December 2010, leading enforcers to request information from rivals in July 2011 and some raids in May 2012.

In the alternators and starters cartel, which led to fines of €137 million in 2016, a request for immunity by Denso in February 2011 prompted regulators to quiz rivals in July of that year.

Quelle/*Source*: politico.eu

02/08/2017

Presse/Press: Germany’s car bosses bid to head off diesel ban with software patch

Germany’s powerful car industry offered Wednesday (2 August) to provide a software upgrade that would cut harmful emissions in 5 million vehicles, but critics cried foul saying it is simply a “stop-gap fix” for a colossal pollution cheating scandal.

In a bid to head off threats by major cities to partially ban diesel vehicles in their fight against deadly smog, bosses of auto groups Volkswagen, Daimler, BMW and Opel promised a patch that would reduce nitrogen oxide (NOx) emissions by between 25 and 30%.

But it is unclear how many of these vehicles come in addition to those that had been offered a fix after a pollution cheating scam that engulfed Volkswagen broke in September 2015.

The latest offer had come after a meeting hosted by the transport and environment ministries, as the sector sank into a crisis.

Environmentalists said the result of the talks simply did not go far enough.

“The planned software upgrade of diesel engines, that should reduce NOx emissions by up to 25 percent, is a welcome stop-gap measure to help alleviate diesel-choked cities – but this is not a long-term solution to the air pollution crisis,” said Greg Archer of lobby group Transport and Environment.

“Nor will it make diesel clean. Furthermore, carmakers are not being transparent about the details of the ‘upgrades’ or whether the recall will be EU-wide and extend to vans — as it needs to,” he added.

Germany's auto sector has been scrambling to rescue its reputation and save diesel motors over the last two years.

Majority back diesel ban

The first cracks in the oft-vaunted sector emerged in September 2015, when Volkswagen admitted installing illegal devices in millions of vehicles world-wide to rig pollution emissions readings.

But suspicions of similar cheating have since widened to other German carmakers, including Mercedes-Benz maker Daimler and BMW.

In July, Spiegel magazine heaped on further pressure as it published details of a VW letter to German and European competition authorities which it said showed that auto giants colluded on technology, suppliers, costs, sales and markets since the 1990s.

Adding to the clouds hanging over the industry, a court in Stuttgart — the home city of Mercedes and Porsche — ruled that only a partial ban on diesel vehicles would be effective at clearing the air of poisonous NOx emissions.

Germany has already been warned by the European Commission over its air quality, and now public opinion is starting to swing in favour of outlawing diesel.

A survey commissioned by Greenpeace found that 57% of Germans back such a ban in cities with poor air quality.

Two months before a general election, the issue is shaping up to be a hot potato topic as Chancellor Angela Merkel needs to weigh the interests of a sector with more than 800,000 jobs in the balance and those of millions of car owners against public health.

"The car industry is of strategic importance ... it must be strong and innovative but also honest. So it's about criticising what needs to be criticised, but to do so while bearing in mind that it's a strategically important industry in Germany," said her spokeswoman Ulrike Demmer on Monday.

Don't demonise diesel

The problem is that the industry had plumped for diesel as it spews out less climate-altering carbon dioxide than petrol-burning motors.

While electric cars are viewed as green, electricity generation in Germany is not always clean — with some 40 percent still stemming from coal.

For these reasons, Merkel herself has warned against "demonising diesel".

But the flip side of the technology is that it emits more NOx, contributing to the formation of smog and fine particles that cause respiratory and cardiac problems.

For now, Germany's auto giants are hoping their voluntarily efforts towards lowering emissions will buy them time as they ramp up electric car development.

Some 15 million diesel vehicles are in circulation in Germany, and latest data show they are still in demand — they made up 40.5 percent of vehicles sold in July — after suffering a steep fall in popularity.

Quelle/*Source*: euractiv.com

Termine / Dates**Sitzungstermine / Meeting Dates****Rat / Council**

Rat für Wettbewerb / 17/10/2017
Competitiveness Council

Rat für Justiz und Inneres / 14/09/2017
Council of Justice and Home Affairs

Rat für Umwelt / 17/10/2017
Council of Environment

Plenum / Plenary 11-14/09/2017

Ausschüsse / Committees

Umwelt / *Environment (ENVI)* 31/08/2017 (Agenda n.a.)

Binnenmarkt / Verbraucher (IMCO) 04/09/2017
Internal Market / Consumer

Justiz und Inneres (LIBE) 31/08/2017 (Agenda, no relevant TOPs)
Justice & Home Affairs

Verkehr / *Transport (TRAN)* 31/08/2017 (Agenda, no relevant TOPs)

Veranstaltungen (Brüssel) / Events (Brussels)

Für August stehen keine relevanten Veranstaltungen in Brüssel an.

There are no relevant events in Brussels for August.

EAC-Veranstaltungen / EAC-Events

18/10/2017 EAC-Herbstsitzung (Brüssel) / *EAC-Autumn Conference (Brussels)*