

Tenth Plenary meeting of the Working Group On Off-Cycle Emissions 31 May 2005 Geneva

Agenda Item 1

- A. The draft agenda was reviewed and approved by the plenary group.

Agenda Item 2

- A. The minutes of the Ninth Plenary Meeting were reviewed and approved by the plenary group.

Agenda Item 3

- A. The Chairperson advised the plenary group that the Editorial Committee (“EC”) had a full two-day meeting, over three days, in Bonn, Germany from April 6th to April 8th 2005.
- B. The Chairperson made a brief presentation on the results of the EC meeting and outlined some of the priority issues the EC needs guidance on from the plenary group. At this time the plenary group did not have any questions for the EC or on the presentation made by the Chairperson.

Agenda Item 4

- A. The Chairperson asked if the plenary group had any comments on the most recent draft of the GTR, which was circulated prior to the meeting. At this time the plenary group did not have any comments or questions on the draft GTR.

Agenda Item 5

- A. Two presentations were made to the plenary group: one by the US EPA on some of the issues that were raised at the last plenary meeting and a second by OICA on the WNTE Control Area.

The US EPA presentation focused on four main issues: a) review of the Engine Manufacturers Association (“EMA”) January 2005 presentation; b) OICA’s proposal for new steady-state testing; c) the fundamental elements of WNTE; and d) suggested revisions to the OCE GTR.

US EPA considered the EMA comment on the content of the Compliance Statement that is included in the draft GTR at Section A.3, and suggested a revised Compliance Statement. US EPA stated that it would be appropriate for the plenary group to have a discussion of this section, and on what may form the basis for the WNTE compliance statement. Does the plenary group want to specify a single basis for compliance by all manufacturers, or perhaps a basis that is tailored to the expertise of each manufacturer?

The UK asked the Chairperson to clarify what purpose the Compliance Statement will serve. The Chairperson responded that the GTR specifies emission limits and requirements for compliance with the WNTE, but the GTR does not specify what method should be used for actually showing compliance with the WNTE, therefore the manufacturers will have to make this statement as part of showing compliance with the WNTE. The statement is important because at the time of certification or type approval, it may be the only basis for showing compliance.

The UK asked why manufacturers have to sign a Compliance Statement, if the requirements for compliance are contained in the GTR. Is the group looking for a legal document or for something else? This may be a fundamental difference between the US and EU practices. The UK representative believes the compliance statement will function as a legal document and on the basis of this document, a manufacturer who is not in compliance can be taken to court. In the EU a type approval will be withdrawn if the manufacturer is not in compliance, and thus there is no need for a signed document to use as evidence in court. The type approvals can

ask for background data and if the manufacturer is not compliant, the approval will be withdrawn. The group therefore must understand what is the purpose of is the compliance statement, and what the regulatory authority will do with the statement, which appears to be a legal document.

The Chairperson stated that in the US, the U.S. EPA does not need to go to court to void a Certificate of Conformity, and this is not the purpose of the WNTE compliance statement. Is it possible that the GTR can be framed in such a manner that manufacturers indicate through the approval process that they comply, so that a Compliance Statement may not be necessary. The Chairperson stated that he would give the comments from the UK further consideration. The Chairperson indicated that even without a WNTE compliance statement, it may still be helpful to have some guidance in the GTR which indicates the type of data that can be used to show compliance.

The UK stated that the type approval authority needs to be sure it has guidance on what it is checking for to be able to issue the approval. It is also important for manufacturers to know what must be provided to the type approval authority to receive the approval.

OICA stated that it supports the UK position. The Compliance Statement is less important and it is more important for the type approval authority to have a list of what it needs to check to issue the approval.

Canada stated that one reason for having the statement is because it is impossible for manufacturers and approval authorities to check all possible conditions to determine compliance. The statement, made in good faith, along with a minimum amount of data that is required to substantiate making the statement, should be part of the approval process. Canada, in principle, accepts the revised US EPA statement.

The Chairperson stated that the WNTE approach is different from other regulations and therefore may necessitate a different approach. The Chairperson asked the UK representative, if having a requirement for a Compliance Statement may be obstructive to the type-approval process, and will it make it difficult for countries to adopt the GTR?

The EU representative stated the Commission is starting to look at the issue of how a certification statement would fit, from a legal perspective, in the current structure of the EU directives. The EU will prepare some comments on this issue for the next meeting.

The representative from the Netherlands concurs with the UK position. The WNTE is very new in comparison with the current type approval procedure. With the WNTE, neither the type approval authority or the manufacturer can say that an engine complies under all possible conditions because it is impossible to do so, therefore, why this statement is required is unknown. Is it necessary to make the statement in writing or is complying with the GTR enough?

The Secretary of GRPE advised the plenary group that WP.29 (AC3) states that a GTR should only have technical requirements, such as limit values. The elements for type approval procedure should not be in the GTR, but under an ECE regulation. All administrative procedures should be under the regional regulations, not the GTR.

Canada suggested, based on the information provided by the GRPE Secretary, that the plenary group should consider taking a flexible approach and simply include a requirement that manufacturers must present information demonstrating compliance. A Compliance Statement can be one of these elements, leaving the administrative element neutral.

The Chairperson stated that this GTR should be consistent with the other GTRs. The WHDC does not state what data has to be presented for approval, just how it is generated. The flexible approach is one that can be considered by the plenary group.

OICA made a presentation on the WNTE Control Area. A brief description of the WHDC control area was given. As well a sample from a single engine operating over the WHDC control area was presented. A comparison between the WHDC, US EPA NTE and EU control areas was shown. The purpose of the presentation was to show what the outcome will be if the WNTE Control Area is based on the WHDC proposal. OICA stated that this was data from one specific engine, and data from more engines will have to be analyzed. OICA agreed to share future data with the plenary group.

The EU representative asked what OICA's rationale was in changing the upper cumulative frequency from 95% to 98%. OICA found that the 95% cumulative frequency was too low and thus suggested looking at 98% or 99.5%. The representative from Netherlands asked if in fact the proposed WHDC control area is outside the WNTE control area currently included in the draft GTR. OICA responded that it is not outside the US EPA NTE area, but it is different than the EU control area.

The Chairperson said that in the future, there will be a WHDC GTR and an Off-cycle GTR, but that the current draft of the OCE GTR control area is based on the older European steady-state cycle. OICA has suggested basing the WNTE Control Zone on the new harmonized WHDC for the purpose of defining the size of the control area. The Chairperson stated that this suggestion does make sense. From the US perspective, the larger the control area can be for in-use testing, the better control there will be. If the plenary group picks a single limit, there may be a concern with technical feasibility. Therefore, there is a need to balance the two. To have the control area as large as possible, may result in not having an engine that can meet the low break specific value. The Chairperson suggested that at the next meeting it would be helpful for the group to discuss how this may work. The group needs to agree if the WNTE Control Area should be based on the WHDC. The group also has to ensure that emissions can be controlled in this larger sized zone.

- B. The Chairperson reviewed the following priority issues identified by the EC with the plenary group:
- a. Compliance Statement. The plenary group had a good discussion at this meeting on the compliance statement and will have to continue this discussion at the next meeting.
 - b. Definitions. EMA and US EPA, in advance of the next meeting, will provide input on the outstanding definitions.
 - c. WNTE Control Zone. For the next meeting, the group should give further consideration to OICA's proposal.
 - d. Ambient conditions. At the next meeting the plenary group will have to focus on this topic. Should there be a single set of conditions or varying ranges that countries can pick from.
 - e. WNTE factors. The group has to review what was proposed by OICA, in the draft GTR, for the next meeting.
 - f. Smoke. The plenary group has to make an informed decision on the OICA proposal in the draft GTR. Does the group want smoke opacity or light absorption. OICA stated that the advantage of light absorption is that it is technology neutral, thus it is not dependant on the technology path being used. The UK agreed that light absorption is a generic concept, and a GTR has to be generic, therefore light absorption is the way to go.

Agenda Item 6

A revised timeline for the work of the plenary group and EC was reviewed. No comments were received from the plenary group.

Agenda Item 7

The next plenary and editorial committee meetings of the Off-Cycle Working Group will be held in Chicago Illinois, USA from September 13 to September 15, 2005. Once the meeting location is determined, details will be circulated to the plenary group and the editorial committee

Dated this 15th day of August 2005

Joanna Vardas, Secretariat