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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)
Subject:	Omnibus IX (Automotive) - Comments from BE, DE and FI

Delegations will find enclosed comments on Omnibus IX (Automotive) received from BE, DE and FI .

Omnibus IX Automotive files
MS comments

Table of Contents

BELGIUM

BELGIQUE/BELGIË

We are carefully analyzing your compromise text on Automotive Omnibus in view of Coreper, and our experts have spotted that, **in the current version of article 15(1) of Euro 7 in the 2nd compromise text of Automotive Omnibus, the point (d) seems to have been deleted:**

Original text Euro 7 Reg. (UE) 2024/1247 – Article 15 (1)

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 16 in order to take into account technical progress to amend this Regulation as follows:

(a) Article 5 by introducing additional options and designations based on innovative technologies for manufacturers;

(b) setting out special rules for small-volume manufacturers for vehicles of categories M_2, M_3, N_2 and N_3 under Articles 3 and 8;

(c) where appropriate, setting out emission limits for formaldehyde from vehicles of categories M_2, M_3, N_2 and N_3 in Table 2 of Annex I, following and based on the review in accordance with Article 18(6);

(d) Table 2 of Annex III, as regards the test conditions for vehicles of categories M_2, M_3, N_2 and N_3, based on data collected when testing 'Euro 7' vehicles;

(e) Tables 4 and 5 of Annex III, as regards the test conditions, based on data collected when testing 'Euro 7' brakes or tyres;

(f) setting out durability multipliers in Table 2 of Annex IV based on data collected when testing exhaust emissions of vehicles of categories M_2, M_3, N_2 and N_3 and a report on the durability of heavy duty vehicles submitted to the European Parliament and Council in accordance with Article 18(3);

(g) Annex V, as regards the application of test requirements and declarations.

2nd draft PDCE CY:

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 16 in order to take into account technical progress to amend this Regulation as follows:
(a) Article 5 by introducing additional options and designations based on innovative technologies for manufacturers;
(b) setting out special rules for small-volume manufacturers for vehicles of categories M2, M3, N2 and N3 under Articles 3 and 8;
(c) where appropriate, setting out emission limits for formaldehyde from vehicles of categories M2, M3, N2 and N3 that are fuelled by fuels of concern, in Table 2 of Annex I, following and based on the review in accordance with Article 18(6);
(d) Tables 4 and 5 of Annex III, as regards the test conditions, based on data collected when testing 'Euro 7' brakes or tyres;
(e) setting out durability multipliers in Table 2 of Annex IV based on data collected when testing exhaust emissions of vehicles of categories M2, M3, N2 and N3 and a report on the durability of heavy duty vehicles submitted to the European Parliament and Council in accordance with Article 18(3);
(f) Annex V, as regards the application of test requirements and declarations.';

As this was not raised in the explanatory note, nor during AGS: could you please clarify whether it was your intention to delete that point (and if so, why?), or if it might be a mistake?

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GERMANY

DEUTSCHLAND

With regard to the end-of-series regulation we have now finalized a German proposal for a new article 49 of Regulation (EU) 2018/858. Please find the draft attached for distribution among the Member States. After discussing the issue with Mark Nicklas/DG Growth on March 6th (without having a draft proposal yet at the time).

German Proposal for end-of-series regulation

Regulation (EU) 2018/858
Article 49 – new – Article 49 – old – no longer applicable

Making available on the market, registration or entry into service of end-of-series vehicles

(1) Where a European regulation provides that vehicles which do not comply with certain technical requirements may no longer be made available on the market, registered or put into service at a time specified therein, or that a certificate of conformity issued may therefore be invalidated at a time specified therein, the following shall apply to the registration of a vehicle concerned, in addition to the rules laid down therein:

A complete vehicle manufactured up to the date three months before the date of entry into force of the prohibition on registration may still be made available on the market, registered or put into service for a period of 12 months after the entry into force of the prohibition on registration. Thereafter, it may no longer be made available on the market, approved or put into service.

A completed vehicle manufactured up to the date three months before the date of entry into force of the prohibition on registration may still be made available on the market, registered or put into service for a period of 18 months after the entry into force of the prohibition on registration. Thereafter, it may no longer be made available on the market, approved or put into service.

(2) Where a European regulation provides that vehicles which do not comply with certain technical requirements and have been manufactured up to a certain point in time may still be made available on the market, registered or put into service, that authorisation shall expire for a complete vehicle 12 months after the date of entry into force of the prohibition of registration referred in that regulation and for a completed vehicle18 months after the date of entry into force of the prohibition of vehicle registration referred in that regulation.

(3) Until the date on which a vehicle is authorised to be registered in accordance with paragraphs 1 and 2, the vehicle concerned may be made available on the market, offered for sale and put into service.

(4) Paragraphs 1 to 3 shall apply only to vehicles located in the territory of the European Union which were subject to a valid EU type-approval at the time of their manufacture, but which had not been registered or put into service before that EU type-approval became invalid.

- Deletion of Annex V, Section B

Explanatory memorandum:
According to industry estimates, the change will lead to a reduction in bureaucracy for manufacturers, type-approval authorities and approval authorities of at least EUR 50 million per year. The previous administrative procedure for the approval of an end-of-series is replaced by a procedure whereby, for each individual vehicle, it is directly apparent from the legislation whether there is a prohibition on registration. The end-of-series, i.e. the possibility of placing already produced vehicles on the market and allowing them to be registered in limited numbers until a

certain point in time even after the entry into force of new technical requirements, is directly regulated without the need for a manufacturer's application and a decision by an authority.

Currently, the provisions of Article 49 and Annex V, Section B, apply in conjunction with the provisions adopted in the Member States for implementation. According to that provision, a manufacturer may submit an application to the competent authority of each Member State for approval of the end-of-series (Article 49(3)) if a type-approval originally lawfully granted becomes invalid based on European regulations. The authority may then allow the applicant, that the manufacturer place vehicles still on the market within the limits set out in Section B of Annex V and to allow them to be registered by the authorities corresponding to the vehicle type for which the type-approval has become invalid (Article 49(1)). The limits for cars are:
- regulated by number, i.e. 10 % of the vehicles of all types concerned put into service in the previous year
- or based on production date, namely those vehicles for which a certificate of conformity has been issued which remained valid for at least three months after its issue, without there being a numerical upper limit.

The requirement imposes a significant burden on the Member States: Manufacturers shall identify the vehicles for which they wish to apply for the end-of-series and submit applications to the relevant type-approval authorities. They must examine them and issue permits. In IT procedures, they must make their decisions available to the registration authorities. In the case of an application for registration for each individual vehicle, the registration authorities must check whether there is a prohibition on registration under European law and whether an end-of-series has been approved.

The provision is unclear in several places and therefore leads to a different application in the Member States, which is at the expense of citizens. Furthermore it is only intended that manufacturers submit the application for an end-of-series. In many cases, however, the vehicles they produce are no longer within their sphere of influence, but at the dealerships, possibly wholesalers. For the last mentioned, however, EU law does not explicitly provide the possibility of applying for an end-of-series. Therefore the regulation is applied differently by the Member States. It is hence not easy to check whether, for a vehicle placed on the market in one Member State but intended to be registered in another Member State, the end-of-series has been approved in that or another Member State. Citizens in particular face the risk of not being able to register a vehicle purchased in a Member State other than the Member State of residence, because the application for registration shows that the vehicle may no longer be registered under EU law. The risk is high because citizens can assume that they can also register a vehicle with a certificate of conformity throughout Europe. In Germany, such cases have kept recurring, as enquiries to the Ministry have shown in recent years.

Replacing today's administrative procedure, in which manufacturer-related decisions are to be taken on a case-by-case basis, with a procedure in which the eligibility for approval can easily be established on the basis of the date of production, would eliminate to a large extent the difficulties identified, since the date of production is apparent to everyone in the certificate of conformity.

The legislative proposal for Article 49 – new – consists of the following:

Re paragraph 1
Paragraph 1 refers to the rules already in force on the invalidation of certificates of conformity and the existence of prohibitions on admission at a given time. This is regulated, for example, in GSR II (Article 16(b) of Annex II to EU Regulation 2019/2144) and the Euro 7 rules (EU Regulation 2024/1257). The rules cover a date on which certificates of conformity issued becomes invalid and the authorisation, placing on the market and putting into service are no longer permitted, and in all cases the manufacturer may use the end-of-series procedure. The new regime builds on this by referring, in the first subparagraph, to a vehicle subject to one of the European regulations in force, i.e. for which a prohibition of the registration takes effect at a time specified therein.

The new regulation only links this prohibition of the registration to the date of production. If the date of production is up to three months before the entry into force of the prohibition on registration, the vehicle in question may still be registered. Thereafter, it may no longer be authorised, unless the individual provision itself allows the authorisation up to a certain day. There are no numerical restrictions. A monitoring procedure by an authority is no longer necessary because there is an automatic system. The date of production alone indicates whether the vehicle may be registered or not.

The envisaged three-month period is therefore identical to the three-month period set out in point B(2) of Annex V to Regulation (EU) 2018/858.

An increase in the number of vehicles of old standards in the market is therefore not expected with the new regulation. Under the existing rules, the manufacturer has the choice, if the MS allows it, either to produce in unlimited numbers up to 3 months before the prohibition of the registration takes effect or to the extent of the 10% rule until the prohibition of the registration laid down in the individual legal act takes effect. In the new rule, it could also produce up to three months before the prohibition of the registration takes effect but no longer benefit from the 10% rule.

Unlike in the past, dealers and citizens would also benefit from the scheme because they can also identify the eligibility of the vehicle concerned based on the date of production. In the COC database the last date of a possible registration for a specific vehicle could be made available to registration authorities, citizens and traders

Moreover, the provisions laid down in points (a) and (b) of paragraph 1 comply with the provisions already in force.

Re paragraph 2

Paragraph 2 refers to future EU rules that will regulate the prohibition of the registration. They would only have to provide that vehicles manufactured up to a certain date may still be registered with the technical standard in force up to that date. This transitional regime would generally be limited to authorisation for 12 months or 18 months. This would take up the previous regulatory concept that vehicles of old standards should not be allowed to be registered for an unlimited period of time. In that regard, an even simpler regulatory alternative would have been to allow registration for an indefinite period if a vehicle had been manufactured up to a certain date. This was not provided for in view of the previous understanding of the expiry of a series.

Future individual acts would therefore need the following legal structure: Act B shall enter into force on day X. At the same time, Act A shall cease to apply. From day X plus 1 year (the period would be flexible depending on the technical requirement) new types may only be approved in accordance with Act B. From day X plus 2 years (the period would be flexible depending on the technical requirement) vehicles for which a certificate of conformity has been issued under Act A may no longer be registered, put into service, offered or placed on the market. Vehicles for which the certificate of conformity has been issued in accordance with Act A may also be registered after Day X plus 2 years if they have been manufactured up to Day X plus 2 years minus 3 months.

Paragraph 3
Paragraph 3 clarifies that, under the new legislation, the arrangements for authorizing an end-of-series include making available on the market, selling and putting into service. This considers the different terminology used in the existing individual legal acts.

Re paragraph 4
The provision already complies with applicable law.

As mentioned in the AGS on 23.03, here is our proposal for a clearer wording with regard to „*propelled by means of electricity*“ in Art. 1 (amend. to RL 92/6/EEC, there Art. 3). We suggest to use a definition

for pure electric vehicles as used in Art. 2 nr. 34 of Regulation (EU) 2017/1151 to avoid uncertainty. Thus, we propose the following change:

ST 7376/26, Art. 1 (amend. to RL 92/6/EEC, there Art. 3)
"Member States shall take the necessary measures to ensure that motor vehicles of categories N2 and N3, except those vehicles of category N2 ***propelled by means of electricity equipped with a powertrain containing exclusively electric machines as propulsion energy converters and exclusively rechargeable electric energy storage systems as propulsion energy storage systems*** *and with a maximum permissible mass between 3,5 and exceeding 3,5 tonnes but not exceeding 4,25 tonnes, may be used on the road only if equipped with a speed limitation device set in such a way that their speed cannot exceed 90 kilometres per hour."*

The German comments on the presidency's version of the proposal with regard to manipulation devices/strategies in the current compromise text.

Germany's comments on Omnibus IX: Automotive Omnibus

- *Meeting of Antici-Group 23.03.2026*

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 561/2006, (EU) 2018/858, (EU) 2019/2144 and (EU) 2024/1257 of the European Parliament and of the Council as regards the simplification of technical requirements and testing procedures for motor vehicles and repealing Council Directive 70/157/EEC and Regulation No 540/2014 of the European Parliament and of the Council

Reference: Presidency compromise text (ST 7378/26), Amendments to Regulation (EU) 2024/1257
With regard to the proposed amendment of Article 4 (5) (manipulation devices and strategies) Germany has the following comments:

- The empowerment of the COM to adopt implementing acts or delegated acts (if applicable) to establish criteria under which an emission strategy, which meets the definition in Article 3(41) or (42), shall not constitute a manipulation device or manipulation strategy or under which an emission strategy shall not be documented must be included in the text. In our view this is not yet reflected in the text.
- The market surveillance authority should not be limited by any means to check against the regulation. The market surveillance authority should be able to check the approval of an emission strategy even if it is approved by the type approval authority. In our view this is not yet reflected in the text.
- The regulation must be in line with the requirements of Article 13 (5) of Regulation (EU) 2018/858. In our view this is not yet reflected in the text.
  Article 13 (5) of Regulation (EU) 2018/858:
  "Manufacturers shall ensure that their vehicles, systems, components and separate technical units are not designed to incorporate strategies or other means that alter the performance exhibited during test procedures in such a way that they do not comply with this Regulation when operating under conditions that can reasonably be expected in normal operation."

- The regulation must be in line with Regulation (EU) 2025/1706 Annex IV Appendix 1 (3). In our view this is not yet reflected in the text.
  Regulation (EU) 2025/1706 Annex IV Appendix 1 (3):
  "The approval of the extended documentation package shall not
  constitute proof of the absence of manipulation devices or manipulation strategies."
- A recital should be added in regard the amendment. Germany is open to provide drafting suggestions.

To find a solution Germany is open for an exchange on expert level with the CYP Presidency, the council legal service, COM and other interested MS.

We provide the following drafting suggestions but are open for suggestions from other experts:
"(-1) in Article 4, paragraph 5 is replaced by the following:

5. Manufacturers shall not design, construct and assemble vehicles with manipulation devices or manipulation strategies. Where a device or a strategy has been approved by the type-approval authority in accordance with this Regulation and the implementing act referred to **(see next paragraph)~~, in Article 14 (3), points (a) and (b) and Article 14(4), points (s) and (u) thereof, including the relevant documentation thereof,~~** such a device or a strategy shall not constitute a manipulation device~~, or~~ manipulation strategy~~.'~~ **or a strategy pursuant to Article 13(5) of Regulation (EU) 2018/858; the same applies for strategies, for which a implementing act stipulates that these do not require documentation or approval.**

The Commission is empowered to adopt implementing acts to establish criteria under which an emission strategy, which meets the definition in Article 3(41) or (42), shall not constitute a manipulation device or manipulation strategy."

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FINLAND

SUOMI

FI written comments on the automotive omnibus, including the proposal mentioned in the WP about the AdBlue.

The Finnish suggestion for Article 11 of 2025/1257 (Euro 7) considering AdBlue freezing issue, that we took up also in the AGS group on Automotive Omnibus on 23rd of March.

For your information, a letter from the Ministry of Transport to the DG Kerstin Jorna and DG Kopczyńska considering the issue.

Written Comments on the Automotive Omnibus

We thank the Presidency on efforts made regarding amendments to Regulation (EU) 2024/1257 Article 4 paragraph 5.

Article 4(5) of (EU) 2024/1257 (Euro 7)

We would like to suggest a further amendment. Including a reference to point (c) of Article 14 (3) would mean that also HDV engines would be in scope. We see this necessary. Therefore, we suggest the following amendment to Presidency's proposal:

Regulation (EU) 2024/1257 is amended as follows:

in Article 4, paragraph 5 is replaced by the following:

'5. Manufacturers shall not design, construct and assemble vehicles with manipulation devices or manipulation strategies. Where a device or a strategy has been approved by the type-approval authority in accordance with this Regulation and the implementing act referred to in Article 14 (3), points (a) and (b) **and (c)** and Article 14(4), points (s) and (u) thereof, including the relevant documentation thereof, such a device or a strategy shall not constitute a manipulation device or manipulation strategy.';

Article 11 of (EU) 2024/1257 (Euro 7), Obligations of the manufacturers concerning emission type-approval

Finland would like to raise the growing difficulties caused by AdBlue freezing during Finland's long and extremely cold winters. The issue is more than a minor inconvenience to logistics operators operating in northern most conditions in the union.

When AdBlue crystalizes or freezes, it can disable emission control systems and, in some cases, prevent vehicles from operating entirely. Likewise, the thawing phase may cause system malfunctions. Under arctic operating conditions, these failures can disrupt logistics chains, hinder essential transport services, and pose safety risks by stranding drivers in remote areas. Finland's findings make clear that the current EU vehicle emission framework does not sufficiently account for the realities of northern climates, where temperatures far below AdBlue's freezing point are common for extended periods.

As a result, Finland emphasises the need for regulatory approaches and technical solutions that explicitly recognise arctic conditions. Without such consideration, freezing-related malfunctions will continue to affect vehicle reliability, transport efficiency, and ultimately the functioning of critical winter mobility in northern Europe.

Finland has drawn the Commission's attention to the fact that the temperature conditions used in the current type approval testing do not adequately represent Finnish winter operating conditions. As a result, SCR systems may have to operate far outside their validated range. In particular, repeated freezing and thawing of ISO 22241compliant reagent (AdBlue) at −11°C seems to be a cause of more frequent system failures in Euro 6/VI vehicles than should be expected.

In light of these observations, Finland has requested the Commission to assess how harmonized and improved durability and operational requirements for SCR systems could be established in the future.

In light of what is said above could the Council's WP consider an amendment to the Euro 7 main act as follows (this is a draft open for discussion). A new paragraph 2a. would require, that manufacturers declare that the reagent injection system has been built in a manner that it endures long-term use in also cold conditions.

"

Article 7

Obligations of the manufacturers concerning emission type-approval

1. In order to demonstrate compliance with the emission type-approval rules during emission type-approval, manufacturers shall perform the tests specified in Tables 1, 3, 5, 7, 9 and 11 of Annex V. For the purpose of verifying the conformity of production with the requirements of this Regulation, vehicles, components and separate technical units shall be selected at the premises of the manufacturer by the approval authority or the manufacturer. In-service conformity shall be checked for the lifetime of the vehicle, as set out in Table 1 of Annex IV.
2. Manufacturers shall provide the approval authority with a signed declaration of compliance as regards the RDE, CO2 ambient temperature correction, OBD and OBM systems, emissions and battery durability, continuous or periodic regeneration, anti-tampering and crankcase emissions requirements as specified in Annex V. Manufacturers shall provide to the approval authority a signed declaration of compliance on the use of the geofencing option where that option has been selected.

2a. (NEW) Manufacturers shall provide the approval authority with a signed declaration of compliance as regards the durability of reagent injection system withstanding long-term use in extreme cold conditions without abnormal failure rates.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

Kerstin Jorna
Director-General
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Magda Kopczyńska
Director-General
Directorate-General for Mobility and Transport

23 March 2026, Helsinki

Dear Directors-General Jorna and Kopczyńska, dear Kerstin, dear Magda,

Finland would like to draw the European Commission's attention to certain challenges related to the functioning of vehicle NOx emission control systems under arctic operating conditions. In this context, we wish to follow up on the letter sent by Prime Minister Petteri Orpo on 5 March 2026 to the President of the European Commission, Ursula von der Leyen, which called for simplification and streamlining of EU legislation and for clearer and more flexible type-approval requirements under the Euro 5/6, Euro VI and Euro 7 frameworks, so that solutions better suited to arctic conditions can enter the market more easily.

Finland has closely examined the growing difficulties caused by AdBlue freezing during Finland's long and extremely cold winters. These assessments – including a dedicated hearing held by the Transport and Communications Committee of the Finnish Parliament – show that the issue is more than a minor inconvenience. When AdBlue crystalizes or freezes, it can disable emission control systems and, in some cases, prevent vehicles from operating entirely. Likewise, the thawing phase may cause system malfunctions. Under arctic operating conditions, these failures can disrupt logistics chains, hinder essential transport services, and pose safety risks by stranding drivers in remote areas. Finland's findings make clear that the current EU vehicle emission framework does not sufficiently account for the realities of northern climates, where temperatures far below AdBlue's freezing point are common for extended periods.

As a result, Finland emphasises the need for regulatory approaches and technical solutions that explicitly recognise arctic conditions. Without such consideration, freezing-related malfunctions will continue to affect vehicle reliability, transport efficiency, and ultimately the functioning of critical winter mobility in northern Europe.

More broadly, Finland has drawn the Commission's attention to the fact that the temperature conditions used in the current type-approval testing do not adequately represent Finnish winter operating conditions. As a result, SCR systems may have to operate far outside their validated range. In particular, repeated freezing and thawing of ISO 22241-compliant reagent (AdBlue) at −11°C seems to be a cause of more frequent system failures in Euro 6/VI vehicles than should be expected.

In light of these observations, Finland has requested the Commission to assess how harmonised and improved durability and operational requirements for SCR systems could be established in the future.

At the same time, the current framework does not offer an easy and practical pathway to introduce more frost-resistant reagents, though such alternatives are already being developed in Finland. Based on the assessment carried out by Finland in accordance with Article 55 of EU

Regulation 2018/858, alternative reagents and additives for SCR systems that do not cause fault codes in a vehicle's emission control or self-diagnostic system do not pose a serious risk to the correct functioning of systems that are essential for the safety of the vehicle or for its environmental performance. As a result, the sale of alternative reagents and additives for SCR systems is permitted. Finland will seek support for its assessment from other Member States at a cooperation meeting attended by type-approval and market surveillance authorities.

Finland will continue advancing these matters in key EU fora with a view to identifying EU-wide solutions for adapting emission control systems to arctic operating conditions and ensuring that alternative reagents can be deployed safely and lawfully in the existing vehicle fleet.

In particular, Finland intends to raise these issues in **the Advisory Group on Vehicle Emissions Standards (AGVES),** which includes representatives of both the Commission and vehicle manufacturers. Finland stresses the need for industry involvement and the need to identify technically feasible pathways to improve the reliability of NOx emission control systems in particularly cold operating conditions. Such measures could include streamlining the approval process for alternative reagents with better frost resistance and ensuring the reliability of SCR systems in cold operating conditions.

Finland will also address these matters in the **Technical Committee on Motor Vehicles (TCMV),** which adopts the Euro 7 implementing acts. Finland will promote the consideration of arctic operating conditions, including limp-mode provisions and other technical requirements relevant for cold-temperature performance.

Lastly, Finland will pursue discussions in the **Forum** for type-approval and market surveillance authorities, where consistent Union-wide interpretations are developed. Finland's key objective in this forum is to enable the legally certain use of alternative solutions in vehicles already in service, with full cross-border validity across all Member States.

Finland would welcome the Commission's assessment of these issues and looks forward to continuing close cooperation with the Commission and other Member States in identifying practical and legally robust solutions to ensure the effective functioning of emission control systems under all operating conditions within the Union.

Yours sincerely,

Laura Eiro
Director General
Ministry of Transport and Communications
Finland

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