

EUROMOT concerns regarding tampering of non-road mobile machinery (NRMM) after-treatment and electronic control units (ECUs) by legal persons

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Regulation (EU) 2016/1628 & tampering

- Art. 18 (4) of 2016/1628 requires that:
‘Engine types and engine families shall be designed and fitted with emission control strategies in such a way as to prevent tampering to the extent possible.’
- This is further reinforced by detailed requirements:
 - for NOx control diagnostics (NCD) and particulate control diagnostics (PCD) as set out in Annex 4 of Commission Delegated Regulation (EU) 2017/654; and,
 - for protecting ECUs as set out in Annex X of Commission Implementing Regulation (EU) 2017/656
- EUROMOT fully supports these requirements aimed at limiting tampering to the extent possible

Commercial tampering services

- EUROMOT has been made aware that, contrary to the objectives of reducing emissions, there exist an increasing range of commercial tampering services that variously:
 - design & sell so-called ‘ad-blue emulators’ or other electronic devices that effectively turn-off NOx reduction systems;
 - offer ECU reprogramming services to turn-off NOx reduction systems or diagnostics or increase engine performance;
 - offer after-treatment removal services
- These services are aimed at saving end-users money by defeating emission reduction systems and corresponding anti-tampering measures

Modifications by legal persons

- Recital 29 of 2016/1628 explains the co-legislators objective to hold legal persons that make modifications to engines responsible for their actions:

‘Modifications to an engine such as the inactivation of its exhaust after-treatment system, or the increase in its power, could have serious consequences for the engine's emissions performance and durability. Legal persons carrying out such modifications should therefore be responsible for ensuring that the applicable emission limits are respected.’

Modifications by legal persons (cont.)

- Second subparagraph of paragraph 2 of Article 8 of 2016/1628 – corresponding to recital 29 – provides a legal basis to Member States to intervene against this practice:
‘Where a legal person modifies an engine in such a way that it no longer complies with the emission limits applicable to it according to its category or sub-category, that person shall be considered to be responsible for re-establishing compliance with those emission limits.’

EUROMOT concerns

- EUROMOT is concerned that modification of engines of NRMM used in the Union by legal persons is directly contrary to the objective of improving the environment and undermine Stage V
- EUROMOT is especially concerned that in most member states it appears commercial tampering services are not currently prevented by law
- Critically even in cases where such modifications are not permitted for use on-road they are in most cases not prevented for use in non-road situations

Requested action by Member States

- To prevent Stage V being undermined EUROMOT requests that member states take decisive action to:
 - prohibit within their territory non-compliant modification by legal persons of engines of NRMM used in the Union ⁽¹⁾
 - prohibit within their territory commercial tampering services
 - ensure these prohibitions continue to apply in the case of NRMM not operated on the road
- EUROMOT would welcome the opportunity to work with member states to address these concerns

⁽¹⁾ The modification of engines of NRMM for export to third countries should not be prevented

Thank you for your attention



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