



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT

pursuant to the second subparagraph of Article 189 b (2) of the EC-Treaty

Common Position adopted by the Council on the
proposed amendment of Directive 70/220/EEC on the
approximation of the laws of the Member States relating to the
measures to be taken against air pollution by
emissions from motor vehicles

Subject: Common Position adopted by the Council on a proposed amendment of Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles

(1) Background to the proposal

- The proposals adopted by the Commission on 18 June 1996 (COM(96) 248 final) and sent to the Council, Parliament and the Economic and Social Committee on 29 August 1996.
- The Commission has completed its proposal of 18 June by provisions concerning light commercial vehicles and the introduction into the proposal of a statistical method of checking vehicles after these have been placed in service. *Ref. COM(97) 61 of 20 February 1997 and COM(97) 77 of 25 February 1997.*
- The European Parliament delivered its opinion on first reading on 10 April 1997 and the Economic and Social Committee did so on 24 April 1997.
- The Commission amended its proposal on 5 June 1997 in order to take account of those amendments by the European Parliament that it had accepted. *Ref. COM (97) 255 of 5 June 1997.*
- The Council unanimously reached a political decision on 19 June 1997 and formally adopted a common Position on 7 October 1997.

(2) Aim and content of the proposal

The aim of the proposal is to make the requirements concerning pollutant emissions by vehicles set out in Directive 70/220, as last amended by Directive 96/69, more stringent. It is based on Article 100a of the Treaty.

The proposal concerning pollutant emissions by vehicles is one component of a cohesive package of measures that has been described in the Communication on the Community strategy for managing air pollution by road transport that takes account of the results of the Auto/Oil programme. Those measures include, in particular, the position concerning fuel quality put forward and examined alongside the proposal concerning emissions by motor vehicles.

The aim of the Auto/Oil programme was to identify the "cost/effective" combinations of measures enabling road-transport emissions to be reduced and the Community's air quality aims to be met.

The proposal concerning vehicles is based on the Auto/Oil programme for stage 2000 with:

- standards to be met in the year 2000 measured according to an altered test cycle in order to better represent cold-start conditions, and with test fuels representing the expected changes in fuel quality.
- additional measures, namely the mandatory fitting of on-board diagnostic equipment in order to check the operation of petrol-vehicle pollution control systems (OBD), measures to enable the conformity of vehicles to be checked after entry into service, and a new evaporation test.
- illustrative limit values for the 2005 stage, with a revision clause following a second Auto/Oil programme. Under certain conditions the Member States are authorised to provide tax incentives for vehicles complying with one or other stage in advance. The Commission undertakes to draw up a new proposal confirming or revising the illustrative values before the end of 1998.

(3) Position adopted by Parliament on first reading and the Commission's reaction

Following a highly complete examination carried out within tight deadlines by the Environment Committee, Parliament approved the Commission's proposal subject to 88 amendments. Those amendments concern, in particular:

- a tightening of the limit values to apply in the year 2000 and a change in the characteristics of the reference fuels used during the approval tests;
- a different configuration for the second stage which, rather than illustrative, now becomes mandatory, with more stringent values than those proposed;
- scope for the Member States to grant tax incentives for vehicles meeting more demanding standards than those proposed for the first or second stage;
- a new test at very low temperatures;
- a two-stage approach to the conformity checking of vehicles in service that differs from that put forward by the Commission as predominant principles for EC type approval;
- the requirement that diesel cars be fitted with a OBD system;
- an increase in the durability requirements from 80 000 km to 160 000 km;
- finally, the programmes which should be followed by the Commission as part of its future programme on vehicle emissions.

Ultimately the Commission had amended its proposal in order to reflect 22 of these amendments.

(4) Common position adopted by the Council and comments made by the Commission

(a) Tests to measure exhaust gases and evaporation

The Common Position confirms the changes to the test procedures, the limit values and the deadlines put forward by the Commission both for the mandatory 2000 stage and the illustrative 2005 stage. The fuel characteristics that are to be used during the mandatory tests have been adjusted in order to reflect the changes made by the Common Position to the specifications for automotive petrol and diesel fuels (new Annex IX).

(b) Tax incentives

The Common Position brings a change to the system as put forward by the Commission in Article 5, whereby Member States were authorised to grant tax incentives complying with Stage 1 and/or Stage 2 in advance once the Directive took effect. The incentives for the second stage will only be permitted from 1 January 2000 onwards in such a way as to reduce the number of standards that are likely to be applied simultaneously throughout Europe.

(c) Checking of emissions by vehicles in service

The Council accepts the principles advocated by the Commission but has altered the way in which those principles are introduced into Community law. The amendments to Framework Directive 70/156/EEC initially proposed have been reintroduced in item 7.1 of Annex 1 in that the provisions concerning the checking of conformity of vehicles in service are not solely envisaged at this stage for Directive 70/220 concerning emissions. The specific Annex has been reintroduced within general Annex 1 to this Directive, and more particular new appendix 3 and 4. It was not possible to lay down certain technical conditions with certainty owing to a lack of experience at the time of the discussions, and were laid down temporarily subject to amendment in accordance with the procedure for the adaptation to technical progress described in Article 13 of the Framework Directive.

Essentially the most noteworthy difference between the Common Position and the requirements initially proposed is a stronger obligation on manufacturers to perform an audit on vehicles in service within the Union.

(d) On-board diagnostic system (OBD)

The Council was able to simplify the appendices to Annex XI initially proposed by replacing certain standardising requirements, such as the list of failure codes and rules governing access and interoperability by a reference to the corresponding ISO standards. These changes base the technical criteria applied to interoperability and access to the information stored by the OBD on very recent international standards and meet the concerns expressed in the European Parliament's amendments.

In addition the Council felt that OBD equipment should be mandatory for diesel vehicles from 1 January 2005.

The new item 6.5.3.6 in Annex XI is intended to ensure that operators outside the manufacturers' network have access to the technical information. Although the Commission feels that the current regulations cover that aspect adequately it accepts this requirement as part of an overall agreement with the Council Common Position.

Finally, it recalled the need as soon as possible to define an appropriate component type approval procedure for the parts of the emission monitoring device intended for the spares market and affecting the functioning of the OBD (new Article 4).

(e) New cold-conditions test

In its Common Position the Council introduced a new cold-conditions (-7°C) test into the "emissions" Directive that is similar, as regards its main aspects, to that put forward by the European Parliament (new Annex VII). An additional two-year period has been granted, as compared with the entry into force of the general standards, in order to enable the

official test centres and the manufacturers to acquire the equipment enabling that test to be carried out.

(f) Auto-Oil II programme

The principles and the conditions attached to the implementation of the Auto-Oil II programme put forward by the Commission were confirmed by the Council (new Article 3). In view of the highly ambitious nature of this programme the date for putting forward a subsequent proposal after the end of the programme has been put back by six months, to 30 June 1999.

(g) Other requirements

Other editorial changes, or more minor administrative or technical changes have been adopted, such as the changes to the administrative documents described in Annexes II and X (former Annex IX) arising from the requirements concerning OBD.

(5) Conclusions

To conclude, the Commission accepts the constituent parts of the Common Position. It is delighted that the Council took its decision unanimously, taking care to take account of the European Parliament's major amendments while maintaining the cohesion that the Commission had wished to give to its initial proposal. It now invites the two Institutions to include the legislative procedures as quickly as possible in order to provide those operators who would be required to implement those measures with a suitable period of preparation.

It also invites the two Institutions to act as quickly as possible on the measures concerning light commercial vehicles put forward, more particularly by aligning the measures applying to those vehicles with the decisions taken with regard to passenger cars.

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