



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 23rd March 1998 with a view to adopting
Directive 98/ /EC of the European Parliament and Council
relating to measures to be taken against air pollution by emissions from motor vehicles
and amending Directive 70/220/EEC
with regard to light commercial vehicles**

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1. Background to the proposal

- A proposal to amend Directive 70/156/EEC and Directive 70/220/EEC was adopted by the Commission on 18th June 1996 (passenger cars) and transmitted to the Council, the European Parliament and the Economic and Social Committee on 29th August 1996 (*Reference COM(96)248 final*).
- The Council adopted a unanimous Common Position on 7th October 1997.
- The European Parliament delivered its opinion in second reading on the Council common position on 18th February 1998.
- The Commission had submitted an amended proposal on measures to be incorporated relating to light commercial vehicles into the directive referred to in the first indent above on 20th February 1997 (*Reference COM(97)61 final of 20th February*).

However, since the Council and the European Parliament chose not to include the Commission's amended proposal on light commercial vehicles into their deliberations on passenger car emissions, they have considered these proposals on the basis of a separate amending directive to directive 70/220/EEC.

- The European Parliament delivered its opinion in first reading on the amended Commission proposal on 18th February 1998.
- The Council adopted a Common Position on 23rd March 1998 with one abstention.

2. Objective of the proposal

The objective of the proposal is to extend the measures adopted in the common position on passenger cars to light commercial vehicles (category N₁ vehicles). The proposal is made according to Article 189b(2) of the Treaty.

The proposal follows the same format as the directive for passenger cars except the timetable for application is delayed by one year for category N₁ vehicles of weight classes II and III. It confirms that the limit values applicable to category N₁ vehicles of weight class I correspond to those applicable for passenger cars. It introduces emission limit values for category N₁ vehicles of weight classes II and III that represent a proportional reduction on the limit values laid down in Directive 96/69/EC. Requirements for on-board diagnostics (OBD) and in-service conformity checking are based on those developed in the Common Position for passenger cars.

3. Position of the European Parliament in its first reading

The European Parliament adopted only one amendment to the Commission's proposal. The amendment:

- splits the HC+NOx limits into separate HC and NOx components and introduces a HC limit for diesel engined vehicles;
- introduces tighter particulate emission limit values for classes I, II and III;
- introduces an unlimited derogation for 'off-road' vehicles that would otherwise be classed as category M₁ vehicles to meet the less stringent emission limits applied to category N₁ vehicles;
- confirms that the limits for 2005 should be mandatory, not indicative.

4. Commission observations on the Common Position adopted by the Council

Emission limits – stage 2000

The Council agrees in general with the Commission on the emission limit values applicable from 1st January 2000 for category N₁ vehicles of class I (same as passenger cars) and from 1st January 2001 for category N₁ vehicles of classes II and III.

However, Council has tightened the particulate emissions applicable to category N₁ vehicles of classes II and III by 12.5% and 9% respectively, over those limits proposed by the Commission. On these specific limits for particulates, Council has therefore adopted the same position as the European Parliament in its first reading.

The tightening of these particulate limits at this relatively late stage will be a challenge to the industry and are a step beyond which the Commission saw as necessary to meet the objectives of the Auto-Oil programme.

Emission limits – stage 2005

The Council agrees with the Commission on the emission limit values applicable from the year 2005 and that they remain indicative. This is in agreement with the strategy adopted by the Council in its Common Position on passenger cars.

Cold start testing

The Council has extended the application of the cold start test from passenger cars only to vehicles of category N₁ class I. Council proposes that the Commission bring forward cold start test limits by 1st June 1999 which would be applicable to category N₁ vehicles of classes II and III in accordance with the procedure for technical adaptation given in Article 13 of directive 70/156/EEC. Such cold start test limits would be applicable no later than 2003.

The Commission agrees with the Council on this point since there is no technical data available today from which to develop representative cold start limits for these vehicle types. Further studies will allow the Commission to bring forward appropriate measures by June 1999.

On-board diagnostics (OBD)

Council have revised the Commission's proposals for OBD limits applicable to diesel engined vehicles to align with the Common Position on passenger cars. The application date for OBD to petrol engined vehicles of classes M₁ and N₁ will be 1st January 2000 while for petrol engined vehicles of category N₁ classes II and III it will be 1st January 2001.

The application date for OBD to vehicles in categories M₁ and N₁ with a diesel engine will be 1st January 2005.

The Commission believes this approach is reasonable, given that OBD is an emerging technology with high future environmental benefits, and there is no equivalent OBD development on diesel vehicles as there is on petrol engined vehicles.

Weight classifications

Council have revised the weight class definitions of N1 vehicles of classes I, II and III in line with the technical adaptation of an earlier emissions directive, 96/44/EC:

N1 class	Reference mass (RW)	Reference mass (RW)
	Old weight definition	New weight definition
I	RW ≤ 1250 kg	RW ≤ 1305 kg
II	1250 kg < RW ≤ 1700 kg	1305 kg < RW ≤ 1760 kg
III	1700 < RW kg	1760 < RW kg

The Commission supports this approach since it harmonises the technical requirements applicable to motor vehicles.

Time limited derogation for certain category M1 vehicles

A derogation for certain category M₁ vehicles, as defined in Article 2(4), is introduced since Council determined that certain category M₁ vehicles would have difficulty in meeting the emission limit values by the applicable dates. The derogation will allow two definitions of vehicles of category M₁ (passenger cars) to meet instead the emission limits applicable to vehicles of category N₁ class III, but only until 1st January 2003. After that date they must comply with the requirements for category M₁ vehicles. The definitions are:

- vehicles of category M1 fitted with a diesel engine and a maximum mass over 2000kg and designed to carry more than six occupants including the driver, or;
- vehicles of category M1 fitted with a diesel engine and a maximum mass over 2000kg and complying with the off-road definition in Annex II to directive 70/156/EEC.

While this goes beyond the Common Position for passenger cars, the derogation is at least restricted in time and application which will allow necessary engineering changes to be made to these vehicle types. The Commission can therefore support the introduction of this derogation.

Extension of emission approvals

The Council has not agreed with the Commission's proposal to delete the possibility to extend an emission approval from an M₁ or N₁ vehicle to a heavier/larger M₂ or N₂ vehicle.

The continuation of this extension which Council proposes to retain could result in manufacturers producing vehicles with higher than necessary emissions of particulate matter, which is a health concern.

The Council's proposal that this question should be subject to further study and should be reviewed in 2004 through the procedure for technical adaptation given in Article 13 of directive 70/156/EEC may not ensure a sufficient reduction of emissions from such vehicles. The question was already studied in the preparation of the Commission proposal and the Commission believes no further studies are necessary at this stage.

The Commission therefore regrets that the Council was not able to agree to the proposal to end the extension of emission approval of category N₁ or M₁ vehicles to heavier/larger category M₂ or N₂ vehicles. The Commission considers that it would have been preferable to agree a date now from which an end would be put to this extension.

However, since the number of manufacturers using this extension is limited, the Commission can accept this point within the Common Position.

5. Conclusions

In tightening the proposals for particulate limits applicable to category N₁ vehicles of classes II and III, the Common Position has reinforced the Commission's proposal for light commercial vehicles. The Common Position has also recognised the technical need for a time limited derogation to meet less stringent emission limits for certain strictly defined vehicle categories and the development status of OBD for diesel vehicles.

In general, the Commission is satisfied that the Common Position is supported unanimously by Member States and invites the two institutions to reach an agreement on measures applied to light commercial vehicles as soon as possible.