

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 257 final - SYN 115

Brussels, 11 May 1989

Re-examined proposal for a

COUNCIL DIRECTIVE

amending 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

(European emission standards for cars below 1.4 liters)

(presented by the Commission pursuant to Article 149.2 (d)
of the EEC Treaty)

Explanatory Memorandum

Introduction

1. In accordance with Directive 88/76/EEC, on 10 February 1988 the Commission submitted a proposal (COM(87)706 final) to the Council amending Directive 70/220/EEC in order to establish the second stage of "European standards", for cars with an engine capacity of less than 1.4 litres. The implementation dates were October 1992 for new vehicle types and 1st October 1993 for all new vehicles entering into service. The proposed directive provided for optional harmonization.
2. At its meeting of 24 November 1988, the Council reached a common position, largely following the original Commission proposal.
3. The second reading by the European Parliament on 12 April 1989 concerned the common position of the Council. Substantial amendments, largely in line with Parliament's position on the first reading, were discussed and adopted by an overwhelming absolute majority. In addition, Parliament voted in favour of total harmonization.

The Commission declared itself ready to accept these amendments in substance and to go even further with respect to the dates of entry into force of the second stage and to propose immediately more severe "European standards" for a third stage, and to amend its proposal accordingly.

The European Parliament did not only amend the directive proposal on small cars below 1.4 litres but also voted more stringent limit values, dates and also total harmonization for the medium and large sized cars covered by directive 88/76/EEC.

The Commission declared itself ready to accept in substance these amendments as well and to present to the Council before the end of 1989 an additional proposal, amending this latter directive accordingly.

This new proposal will be based on an improved European test procedure to which a high speed extra-urban driving sequence will be added as requested by the Council.

Re-examined proposal

5. The re-examined proposal on small cars below 1.4 litres contains the following elements by way of amendment to the common position of 24 November 1988 :

- a) The recognition that technology is available to allow further reduction in the limit values for all engine sizes (fifth recital).
- b) The anticipated total harmonization of the limit values of the second stage proposed within the common position :
 - from 1.1.1991 for all models being type-approved and
 - from 1.10.1991 for all new vehicles entering into service

not to exceed the following limit values :

. for type approval :

30.0 g/test for CO
8.0 g/test for HC + NOx

. for control of conformity of production :

36.0 g/test for CO
10.0 g/test HC + NOx.

c) A third stage of more severe "European standards" (in line with the European Parliament's amendments) providing for total harmonization of the limit values :

- from 1.1.1993 for all new models being type-approved and

- from 1.10.1993 for all new vehicles entering into service

not to exceed the following limit values :

. for type approval :

19.0 g/test for CO

5.0 g/test for HC + NOx

. for control of conformity of production :

22.0 g/test for CO

5.8 g/test for HC + NOx.

Justification

6. Article 100A § 3 obliges the Commission to take "as a basis a high level of protection" in making new proposals. For reasons of industrial constraints it is not realistic to apply before 1.1.1993 for the whole Community production more severe "European standards" which are at least as severe as those in force in the United States at Federal level and as those voted by the European Parliament. Therefore an intermediate second stage on the basis of the limit values laid down in the common position is proposed which should be implemented at the earliest date possible, i.e. 1.1.1991, so as to largely benefit to the European environment, in conjunction with the total harmonization foreseen.

7. From a technical point of view these "European standards" can be fulfilled, for the time being, by the application of technology as used for vehicles being destined for the US market, i.e. equipped with a three-way catalyst and closed loop control. However, Community directives do not impose the application of specific technologies and therefore do not preclude the development of alternative technologies.

8. The European automobile industry has proved that it has mastered the engine technology required to comply with the limit values under 5 above and is already providing a number of markets with vehicles equipped with this technology. In order to ensure early information and preparation of the automobile industry on future emission control requirements, it is important to lay down without further delay, proposals for the third stage. The early total harmonization of these new values for this third stage by 1.1.1993 will help industry to strengthen its competitive position in the European and international markets, in parallel with a high level of environmental protection.

9. Like all Community directives in the field of motor vehicle emissions the latest adopted directive 88/76/EEC provides for optional harmonization. Up to now only some Member States have incorporated into their laws these provisions for mandatory application at national level in line with the dates set, thus depriving a large part of the population of the benefits of existing Community legislation, and leading to an extreme fragmentation of the EEC market in terms of emission requirements.

In the interest of a more efficient protection of public health and of the environment as well as with a view to the regulatory unity of the internal market for motor vehicles, it is therefore necessary to provide for total harmonization and to require the same degree of protection as offered already to-day in some third countries.

10. Indeed, the present situation where, under a system of optional harmonization, the successive Community requirements for the various categories of cars are duplicated in a number of Member States by national requirements which diverge in stringency and/or implementation dates, not only is detrimental to the overall environmental effect of the emission legislation, but also creates additional constraints for the investment and production planning of the industry and causes obvious diseconomies of scale.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100A thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament¹⁾,

Having regard to the opinion of the Economic and Social Committee²⁾,

Whereas it is important to adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market shall comprise an area without internal frontiers in which the free movement of goods, services and capital is ensured;

Whereas the first programme of action of the European Communities on the protection of the environment, approved by the Council on 22 November 1973, called for account to be taken of the latest scientific advances in combating atmospheric pollution caused by gases emitted from motor vehicles and for Directives adopted previously to be amended accordingly;

1) Opinion delivered on 12 April 1989 (not yet published in the Official Journal)

2) Opinion delivered on 2 June 1988 (O.J.)

Whereas the third programme of action provides for additional efforts to be made to reduce considerably the present level of emissions of pollutants from motor vehicles;

Whereas Directive 70/220/EEC¹⁾ lays down the limit values for carbon monoxide and unburnt hydrocarbon emissions from such engines; whereas these limit values were first reduced by Directive 74/290/EEC²⁾ and supplemented, in accordance with Directive 77/102/EEC³⁾, by limit values for emissions of nitrogen oxides; whereas the limit values for these three pollutants were successively reduced by Directives 78/665/EEC⁴⁾, 83/351/EEC⁵⁾ and 88/76/EEC⁶⁾ and whereas limit values for particulate pollutant emissions from diesel engines were introduced by Directive 88/436/EEC⁷⁾.

Whereas Directive 88/76/EEC has laid down for the vehicles with an engine capacity of less than 1.4 litres transitional limit values which reflected the current technical and economic conditions of European manufacturers in this section of the market; whereas that Directive stipulated that the European standards to be applied at the latest in 1992/93 should be fixed;

Whereas the work undertaken by the Commission on that subject has shown that the European Community has available, or is currently perfecting, technologies which allow a further reduction of the limit values for all engine sizes;

1) OJ N° L 76, 6.4.1970, p. 1

2) OJ No L 159, 15.6.1974, p. 61

3) OJ N° L 32, 3.2.1977, p. 32

4) OJ N° L 223, 14.8.1978, p. 48

5) OJ N° L 197, 20.7.1983, p. 1

6) OJ N° L 36, 9.2.1988, p. 1

7) OJ N° L 124, 6.8.1988, p. 1

Whereas in order to allow the largest benefit for the European environment and at the same time assure the unity of the market it appears necessary to introduce at the earliest possible date a second stage of European standards based on total harmonization

whereas because of industrial constraints it appears appropriate to use for this second stage the limit values which should be implemented from 1. January 1991, whereas in order to establish a clear regulatory framework for the industry it is necessary to decide at the same time more severe "European standards" being at least as severe as those of the United States of America and as those voted by Parliament as a third stage to be implemented from 1 January 1993; whereas these limit values will still be based on the test procedure presently laid down in Directive 70/220/EEC and would need to be reconsidered when this procedure will be completed by a test representing driving conditions outside built-up areas.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 70/220/EEC is hereby amended as follows :

ANNEX I, item 5.2.1.1.4, the table is replaced by the following:

	Engine capacity	Mass of carbon monoxide	Combined mass of hydrocarbons and nitrogen oxides	Mass of nitrogen oxides	Mass of particulates (1)
	C (cm ³)	L1 (g/test)	L2 (g/test)	L3 (g/test)	L4 (g/test)
1	C > 2,000	25	6.5	3.5	1.1
2	1,400 < C < 2,000	30	8	-	
3.1	C < 1,400	30	8	-	
3.2		19	5	-	

(1) In the case of vehicles equipped with compression-ignition engines"

ANNEX I, item 7.1.1.1, the table is replaced by the following :

	Engine capacity	Mass of carbon monoxide	Combined mass of hydrocarbons and nitrogen oxides	Mass of nitrogen oxides	Mass of particulates (1)
	C (cm ³)	L1 (g/test)	L2 (g/test)	L3 (g/test)	L4 (g/test)
1	C > 2,000	30	8.1	4.4	1.4
2	1,400 < C < 2,000	36	10	-	
3.1	C < 1,400	36	10	-	
3.2		22	5.8	-	

(1) In the case of vehicles equipped with compressio.. ignition engines"

Article 2

1. From 1 January 1990 no Member State may, on grounds relating to air pollution by emissions from an engine having a capacity of less than 1,400 cm³:

- refuse to grant EEC type approval, to issue the document referred to in the last indent of article 10(1) of Council Directive 70/156/EEC¹⁾ or to grant national type approval for a type of motor vehicle,
- prohibit the entry into service of motor vehicles,

where emissions from this type of motor vehicle or from such vehicles meet the requirements of Directive 70/220/EEC as last amended by this Directive.

2. In respect of types of vehicle equipped with an engine having a capacity of less than 1.400 cm³, Member States may no longer issue the document provided for in the last indent of Article 10(1) of Directive 70/156/EEC, and shall refuse national type approval,

- from 1 January 1991 where the emissions from such types of vehicles do not comply with the limit values set out in line 3.1,
- from 1 January 1993 where the emission from such types of vehicles do not comply with the limit values set out in line 3.2

of the table of item 5.2.1.1.4 of Annex I to Directive 70/220/EEC, as last amended by this Directive.

1) As last amended by Directive 87/358/EEC, O.J. L 192 of 11.07.87, p. 51.

3. In respect of vehicles equipped with an engine having a capacity of less than 1,400 cm³ Member States shall prohibit the entry into service

- from 1 October 1991, where the emissions of such vehicles do not comply with the limit values set out in line 3.1;
- from 1 October 1993, where the emissions of such vehicles do not comply with the limit values set out in line 3.2,

of the table of Item 7.1.1.1 of Annex I to Directive 70/220/EEC as last amended by this Directive.

Article 3

Member States shall bring into force laws, regulations and administrative provisions necessary in order to comply with this Directive not later than 1 January 1990. They shall forthwith inform the Commission thereof.

Article 4

Not later than the end of 1990, the Council shall consider, on the basis of a proposal from the Commission, the implementation of more severe European emission standards on the basis of an improved test procedure including an extra-urban driving sequence.

Article 5

This Directive is addressed to the Member States.



Commission of the European Communities

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Office for Official Publications of the European Communities
L - 2985 Luxembourg

Series : DOCUMENTS

1989 — 12 pp. — Format: 21.0 × 29.7 cm

EN

ISSN 0254-1475

ISBN 92-77-49556-1

Catalogue number: CB-CO-89-187-EN-C

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