

COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a
EUROPEAN PARLIAMENT AND 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 from emissions from motor vehicles

(presented by the Commission)

EXPLANATORY MEMORANDUM

SUMMARY

The present proposal aims at aligning the standards for the light commercial and assimilated vehicles covered by the scope of this Directive to the same level of severity as those established by Directive 94/12/EC for passenger cars.

For this next stage of light commercial vehicle emission standards, it is proposed to maintain the present classification of the vehicles concerned, based on their reference mass.

The limit values proposed for Class I are those of Directive 94/12/EC for passenger cars. The limit values for Classes II and III represent the same level of severity as those for Class I taking account of the technical specificities of the vehicles falling in those two classes.

No new specific provisions are proposed in relation to the test conditions of the so-called low-powered vehicles. Instead, it is proposed that a 2-year lead time be granted until existing vehicle types, approved before the implementation of this Directive, have to comply with the provisions of the present Directive.

1. BACKGROUND

Directive 93/59/EEC of 28 June 1993, amending Directive 70/220/EEC relating to measures to be taken against air pollution by emissions from motor vehicles, established severe European standards for light commercial vehicles and assimilated vehicles for the transport of persons⁽¹⁾. These standards have the same level of severity as the standards established by Directive 91/441/EEC for cars⁽²⁾.

Article 4 of Directive 93/59/EEC committed the Commission to submit before 31 December 1993 a proposal for a further reduction of its limit values on which the Council was to decide by 31 December 1994. This timetable has slipped due to the uncertainties regarding the adoption of the Directive to reduce emissions from 1996/97, with which light commercial vehicle emission limit values are linked. With the adoption of the car emissions Directive (94/12/EC) on 23 March 1994⁽³⁾, the way is now open to make new proposals to the emission limit values of light commercial vehicles.

⁽¹⁾ The vehicles covered by the Directive are light commercial vehicles with a maximum permissible mass not exceeding 3 500 kg (international category N1 and assimilated vehicles for the transport of persons (international category M), i.e. vehicles with a passenger capacity of more than 6 and/or having a maximum permissible mass exceeding 2 500 kg.

⁽²⁾ Directive 91/441/EEC covers vehicles having a passenger capacity of not more than 6 and a maximum permissible mass not exceeding 2 500 kg.

⁽³⁾ Directive 94/12/EC of the European Parliament and the Council of 23 March 1994 (OJ No L 100, 19.4.1994, p. 42).

With Directive 70/156/EEC, as last amended by Directive 93/81/EEC, the Community considered that the completion of the internal market in the field of the motor vehicles required the implementation in each Member State of a type-approval procedure which would gradually be replaced by a single Community type-approval procedure; this would not allow Member States to apply different rules for the type-approval and the registration of new vehicles as is the case with the harmonized procedures. It is within the exclusive competence of the Community to adapt these rules to technological progress, by means of directives according to general prescriptions and the regulatory approach established in directive 70/156/EEC, as well as the additional methods which appear in the separate directives.

2. ISSUES EXAMINED IN THE PROPOSAL

This Proposal has been prepared by the Commission, like all its proposals in this field in the last years, following consultations with its expert group on motor vehicle emissions (MVEG) where the interested national administrations, industrial, environment and consumer organizations are represented. This group examined, in particular, the question of the potential for complying with more stringent emission standards of the petrol and diesel engine types used in the vehicle category concerned. In addition the group addressed three other issues as follows:

- A recital of Directive 93/59/EEC invited the Commission to consider, subject to appropriate technical evaluation, whether the vehicle categories II and III, could be amalgamated.
- The same recital invites consideration of whether specific limit values for the control of production conformity (COP) should be deleted.
- The Council also invited the Commission to take account in its proposals of the actual driving conditions of low-powered vehicles, defined by a power-to-weight ratio of not more than 30 kW/t and a maximum speed not exceeding 130 km/h ("Panda cycle") in light of the Council's decision to abolish the specific test cycle conceived for such vehicles with effect from 1 January 1996 for Class I vehicles and from 1 January 1997 for Classes II and III.

The results of the expert consultations allow the Commission to draw the following conclusions:

3. PROPOSALS

3.1. Limit values

The European industry has the technology available for the vehicle categories concerned by this proposal to comply with emission standards of the same stringency as those applicable to passenger cars from 1996/97, due account being taken of the vehicle category.

Thus, for vehicles which are powered by petrol engines, the closed-loop three-way catalyst technology can be adapted. On diesel engines the same improvements of the combustion and injection systems can be effected as on passenger car engines.

The vehicles of Class I can comply with the limit values established by Directive 94/12/EC for passenger cars, those limit values being considered at least as severe as the present U.S. standards. The equivalence of limit values of Class I vehicles with those for cars was established in Directive 93/59/EEC.

As to vehicle Classes II and III, the technical reasons justifying differentiated limit values for different vehicle classes as set out in Directive 93/59/EEC remain valid. The vehicles concerned generally have, due to the use for which they are intended, a different layout of their power train and a different body shape affecting their aerodynamic drag as compared to passenger cars. Therefore, their emissions are higher than those of comparable passenger cars using the same emission control technology, when measured under identical test conditions. This fact has been taken into account in fixing the limit values to which such vehicles will be submitted.

In its proposals the Commission has also taken into account the fact that the limit values of the years 1996/97 have to be achieved with the existing fuel quality. Unlike the US situation, improved fuels will not become generally available in Europe by these dates. The interconnection between fuel quality and engine emissions, especially important for diesel emissions, has become subject of the "European Programme on Emissions, Fuels and Engine technology" (EPEFE) which is currently carried out by the European automobile and petrol industries at the request of the Commission. However it is unlikely that this programme will yield conclusive results before early 1995. In any event a certain lead time will be required before the production of "cleaner" fuels could be assured by the industry.

3.2. Classification

The classification established by Directive 93/59/EEC takes account of the quite heterogeneous character of the vehicles covered in the Directive which, as far as their engines and power trains are concerned, include vehicles derived from passenger cars and vehicles derived from heavier commercial vehicles. For this reason the vehicles have been divided into three classes according to their "reference mass", i.e. approximately the mass of the unladen vehicle in running order. Such a classification is also used in the emission regulations of the USA and corresponds to the current practice of the European automobile industry.

The assessment of the existing technical data has shown no evidence that for the next stage of the European emission requirements for light commercial vehicles, the present classification should be replaced by two categories, Class I and a merger of Classes II and III.

The classification should, however, be kept under review for the longer term, notably in the context of the global revision of the EC emission regulations for the whole range of light vehicles intended for the year 2000.

3.3. Control of Production conformity

The deletion of the tolerances for COP control was considered to be satisfied by the solution found for passenger cars relying on a revised statistical procedure, which in the meantime has been adopted with the recent Directive 94/12/EC. This new procedure applies also to light commercial and assimilated vehicles and allows to omit the specific COP limit values in the present proposal.

3.4. Test conditions for low-powered vehicles

An assessment of the actual driving patterns of the light commercial vehicles covered by Directive 93/59/EEC yielded no conclusive arguments in favour of an alternative technical solution to replace the test cycle with reduced maximum speed ("Panda cycle") which had been specifically conceived for such vehicles, but which Council has abolished with effect from 1 January 1996 for Class I and from 1 January 1997 for Classes II and III.

The experts consulted were divided on the need for exceptional provisions for low-powered vehicles. The Commission proposes, therefore, not to establish such provisions in the framework of this next stage of European emission standards for light commercial vehicles, but instead to provide a sufficient lead time to allow industry to adapt the vehicles currently produced and approved which make use of the provisions for low-powered vehicles.

4. FISCAL INCENTIVES

In the discussions on the appropriate framework for granting fiscal incentives to encourage the early application of new lower limit values which took place in the context of the Directive on car emissions (94/12/EC), a fair and balanced compromise was reached which will allow Member States to grant such incentives within strict parameters whilst ensuring at the same time that the incentives will be granted fully in accordance with Community law and that the Commission will be informed in sufficient time to submit its observations on any Member State programme. It is proposed that this same formula is applied in the context of the new Directive on light commercial vehicles.

5. STAGE 2000

It is proposed that the Commission be mandated to submit new proposals aimed at achieving a further reduction of emissions from light commercial vehicles by June 1996. These proposals should be modelled on the multi-faceted approach to reducing emissions outlined in Article 4 of Directive 94/12/EC.

6. CONCLUSION

The objective of this proposal is to reduce the polluting emissions from the light commercial, and similar vehicles to a level as strict as for passenger cars and according to a timescale as rapid as for those vehicles. In view of the short interval between the proposed stage of severity and the later stage envisaged as from the year 2000, it is important that this proposal is adopted in the shortest possible time.

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relating to measures to be taken against air pollution from emissions from motor vehicles

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the Opinion of the Economic and Social Committee⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty,

Whereas measures should be adopted within the framework of the internal market; whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas the first programme of action of the European Community on protection of the environment⁽³⁾, 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; whereas the fifth programme of action, which in its general approach was approved by the Council in its Resolution of 1 February 1993⁽⁴⁾ provides for additional efforts to be made to effect a considerable reduction in the present level of pollutants emitted from motor vehicles;

Whereas the objective of reducing the level of pollutant emissions from motor vehicles and the establishment and operation of the internal market for vehicles cannot be adequately achieved by individual Member States and can therefore be better achieved by the approximation of the laws of the Member States relating to measures to be taken against air pollution by motor vehicles;

Whereas it is recognized that the development of transport in the Community has entailed significant constraints for the environment; whereas a certain number of official estimates of the increase in traffic density have proved to be lower than the actual figures; whereas for that reason stringent emission standards should be laid down for all motor vehicles;

(1) OJ No

(2) OJ No C 201, 26.7.1993, p. 9.

(3) OJ No C 112, 20.12.1973, p. 1.

(4) OJ No C 138, 17.5.1993, p. 1.

Whereas the Commission has adopted a European programme on emissions, fuels and engine technologies (EPEFE); whereas that programme was established to ensure that proposals for future Directives on pollutant emissions seek the best solutions both for the consumer and for the economy; whereas that programme deals with the pollution emitted by vehicles and the fuels which propel them;

Whereas Council Directive 70/220/EEC⁽⁵⁾, as last amended by Directive 94/12/EC⁽⁶⁾, which deals with the measures to be taken against air pollution by emissions from motor vehicles, is one of the separate Directives under the type-approval procedure laid down by Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers⁽⁷⁾, as last amended by Commission Directive 93/81/EEC⁽⁸⁾;

Whereas Directive 70/220/EEC lays down the limit values for carbon monoxide and unburnt hydrocarbon emissions from the engines of such vehicles; whereas these limit values were first reduced by Directive 74/290/EEC⁽⁹⁾ and supplemented, in accordance with Commission Directive 77/102/EEC⁽¹⁰⁾, by limit values for permissible emissions of nitrogen oxides; whereas the limit values for those three types of pollution were successively reduced by Commission Directive 78/665/EEC⁽¹¹⁾ and Council Directives 83/351/EEC⁽¹²⁾ and 88/76/EEC⁽¹³⁾; whereas limit values for particulate pollutant emissions from diesel engines were introduced by Directive 88/436/EEC⁽¹⁴⁾; whereas more stringent European standards for the emissions of gaseous pollutants of motor vehicles below 1 400 cm³ were introduced by Directive 89/458/EEC⁽¹⁵⁾; whereas those standards have been extended to all passenger cars independently of their engine capacity on the basis of an improved European test procedure including an extra-urban driving cycle; whereas requirements relating to the evaporative emissions and to the durability of emission-related vehicle components as well as more stringent particulate pollutant standards for motor vehicles equipped with diesel engines were introduced by Directive 91/441/EEC⁽¹⁶⁾; whereas passenger cars designed to carry more than six passengers or having a maximum mass of more than 2 500 kg, light commercial vehicles, and off-road vehicles, covered by Directive 70/220/EEC, have, under Directive 93/59/EEC⁽¹⁷⁾, been subject to standards as stringent as those for passenger cars, taking into account the specific conditions of such vehicles; whereas the standards for passenger cars have been

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- (5) OJ No L 76, 6.4.1970, p. 1.
(6) OJ No L 100, 19.4.1994, p. 42.
(7) OJ No L 42, 23.2.1970, p. 1.
(8) OJ No L 264, 23.10.1993, p. 49.
(9) OJ No L 159, 15.6.1974, p. 61.
(10) OJ No L 32, 3.2.1977, p. 32.
(11) OJ No L 223, 14.8.1978, p. 48.
(12) OJ No L 197, 20.7.1983, p. 1.
(13) OJ No L 36, 9.2.1988, p. 1.
(14) OJ No L 214, 6.8.1988, p. 1.
(15) OJ No L 226, 3.8.1989, p. 1.
(16) OJ No L 242, 30.8.1991, p. 1.
(17) OJ No L 186, 28.7.1993, p. 21.

rendered more stringent by the adoption of Directive 94/12/EC, which also introduced a new method for checking on the conformity of production; whereas it is necessary to align in the standards for light commercial vehicles with those for passenger cars so as to make them once again at least as stringent as those for passenger cars;

Whereas the work undertaken by the Commission in this field has shown that the best technology currently available to the Community industry can be further improved in order to allow light commercial vehicles to comply with considerably reduced emission limits; whereas the proposed standards will apply both to the approval of new vehicle types and to check on conformity of production, since the amended method of sampling and statistical evaluation removes the tolerances allowed for the limit values set under previous stages of Directive 70/220/EEC;

Whereas the Commission has examined the feasibility of amalgamating vehicle categories II and III and has considered the actual conditions under which light commercial vehicles are driven in urban and extra-urban traffic and the special characteristics of those vehicles;

Whereas Member States should be allowed to encourage, by means of tax incentives, the introduction of vehicles which satisfy the requirements adopted at Community level; whereas such tax incentives should comply with the provisions of the Treaty and satisfy certain conditions intended to avoid distortions of the internal market; whereas the provisions of this Directive do not affect the Member States' right to include emissions of pollutants and other substances in the basis on which road traffic taxes on motor vehicles are calculated;

Whereas the prior notification requirement of this Directive is without prejudice to notification requirements under other provisions of Community law, notably Article 93(3) of the Treaty;

Whereas the Council should adopt by 30 December 1997 the requirements for the stage from the year 2000, on the basis of a proposal to be submitted by the Commission by 30 June 1996; whereas that proposal is to be aimed at substantially reducing emissions of light commercial vehicles;

Whereas the measures to reduce exhaust emissions in the year 2000, must be part of a "multifaceted" approach embracing all the measures for reducing air pollution due to road traffic; whereas all the parameters which have been set out as having a significant impact on such pollution have been set out in Article 4 of Directive 94/12/EC; whereas the Commission will undertake the necessary analysis of environmental, technological and cost-effective aspects in order to provide by the end of June 1996 quantified objectives for Community measures for the year 2000,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 70/220/EEC is amended in accordance with the Annex to this Directive.

Article 2

1. With effect from 1 October 1995, Member States shall accept compliance with the requirements of Directive 70/220/EEC, as amended by this Directive, for the purposes of Articles 4(1) and 7(1) of Directive 70/156/EEC.
2. With effect from 1 January 1996, for vehicles of Class I and with effect from 1 January 1997 for vehicles of Classes II and III, Member States shall no longer grant:
 - EEC type-approval in accordance with Article 4(1) of Directive 70/156/EEC, or
 - national type-approval unless the provisions of Article 8(2) of Directive 70/156/EEC are invoked;

for a type of vehicle on grounds relating to air pollution by emissions, if the requirements of Directive 70/220/EEC, as amended by this Directive, are not fulfilled.

3. With effect from 1 January 1997 for vehicles of Class I, and with effect from 1 January 1998 for vehicles of Classes II and III, Member States:
 - shall consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 70/156/EEC as no longer valid for the purposes of Article 7(1) of that Directive; and
 - shall refuse the registration, sale and entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with the provisions of Directive 70/156/EEC, unless Article 8(2) of Directive 70/156/EEC is pleaded,

on grounds relating to air pollution by emissions, if the requirements of Directive 70/220/EEC, as amended by this Directive, are not fulfilled.

For vehicles with a power-to-weight ratio of no more than 30 kW/t⁽¹⁸⁾ and a maximum speed not exceeding 130 km/h the dates referred to in the first subparagraph are 1 January 1998 and 1 January 1999 respectively.

Article 3

Member States may make provisions for tax incentives only in respect of motor vehicles which comply with Directive 70/220/EEC, as amended by this Directive. Such incentives shall comply with the provisions of the Treaty and satisfy the following conditions:

- they shall apply to all new vehicles offered for sale on the market of a Member State which comply in advance with the requirements of Directive 70/220/EEC, as amended by this Directive,
- they shall be terminated with effect from the mandatory application of the emission values laid down in Article 2(3) for new motor vehicles,

⁽¹⁸⁾ Based on the technically permissible laden mass as stated by the manufacturer.

- for each type of motor vehicle, they shall be for an amount lower than the additional cost of the technical devices introduced to ensure compliance with the values set and their installation on the vehicle.

The Commission shall be informed in sufficient time of plans to institute or change the tax incentives referred to in the first paragraph, so that it can submit its observations.

Article 4

The Council, acting under the conditions laid down in the Treaty, shall decide before 31 December 1997 on proposals for a further stage of the Community's measures against air pollution caused by emissions from motor vehicles covered by this Directive, which the Commission shall submit before 30 June 1996. The measures shall apply from the year 2000 onwards.

In these proposals, the Commission shall follow the approach outlined in Article 4 of Directive 94/12/EC.

Article 5

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 October 1995. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 6

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Communities.

Article 7

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

AMENDMENTS TO THE ANNEXES OF DIRECTIVE 70/220/EEC AS AMENDED BY DIRECTIVE 93/59/EEC

The table of section 5.3.1.4 is replaced by the following:

Category/class of vehicle		Reference mass RW (kg)	Mass of carbon monoxide		Combined mass of hydrocarbons and oxides of nitrogen		Mass of particulates
			L_1 (g/km)		L_2 (g/km)		L_3 (g/km)
category	class		Petrol	Diesel	Petrol	Diesel ⁽¹⁾	Diesel ⁽¹⁾
M ⁽²⁾	-	all	2.2	1.0	0.5	0.7	0.08
N1 ⁽³⁾	I	$RW \leq 1\ 250$	2.2	1.0	0.5	0.7	0.08
	II	$1\ 250 < RW \leq 1\ 700$	4.0	1.25	0.7	1.1	0.14
	III	$1\ 700 < RW$	5.0	1.5	0.8	1.3	0.20

⁽¹⁾ Until 30 September 1999, for vehicles fitted with diesel engines of the direct-injection type, the limit values L_2 and L_3 are the following:

	L_2	L_3
- category M ⁽²⁾ and N1 ⁽³⁾ , class I:	0.9	0.10
- category N1 ⁽³⁾ class II:	1.4	0.19
- category N1 ⁽³⁾ class III:	1.7	0.25

⁽²⁾ Except:

- vehicles designed to carry more than six occupants including the driver,
- vehicles whose maximum mass exceeds 2 500 kg.

⁽³⁾ And those category M vehicles which are specified in footnote (2).

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