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****II**

RECOMMENDATION

of the Committee on the Environment, Public Health and Consumer Protection

on the **COMMON POSITION** established by the Council with a view to the adoption of a 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 (C3-0098/91 - SYN 240)

Rapporteur: Mr Kurt VITTINGHOFF

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A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

***** = Consultation procedure requiring a single reading

****II** = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

****I** = Cooperation procedure (first reading)

******* = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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At its sitting of 12 September 1990 the European Parliament delivered its opinion at first reading on the Commission 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.

At the sitting of 13 March 1991 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Transport and Tourism for their opinions.

At its meeting of 4 April 1991 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Vittinghoff rapporteur.

At its meetings of 4 April and 23 May 1991 it considered the common position and the draft recommendation.

At the latter meeting it adopted the following recommendation by 15 votes to 4.

The following took part in the vote: Schleicher, acting chairman and vice-chairman; Scott-Hopkins, vice-chairman; Vittinghoff, rapporteur; Avgerinos, Bjornvig, Caudron (for Bombard), Green, Guidolin, Caroline Jackson, Kuhn, Muntingh, Pereira, Pimenta, Roth-Behrendt, Schwartzenberg, Llewellyn Smith, Valverde Lopez, Veil and Vernier.

This recommendation was tabled on 28 May 1991.

The deadline for tabling amendments to the common position or proposals to reject it will appear on the draft agenda for the part-session at which the recommendation is to be considered.

A
RECOMMENDATION
(Cooperation procedure: second reading)

on the common position established by the Council
with a view to the adoption of a 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 (COM(89) 0662 final¹ and
COM(90) 0493 final²)

The Committee on the Environment, Public Health and Consumer Protection,

- having regard to the common position of the Council (C3-0098/91 - SYN 240),

Recommends that the European Parliament amend the common position as follows:

Common position of the Council

Amendments

(Amendment No. 1)
Sixth recital a (new)

Whereas, however, it is necessary
permanently to retain, as an
alternative, the FTP 75 test
pursuant to Annex IIIA to Directive
88/76/EEC;

(Amendment No. 2)
Eighth recital

Whereas in order to allow the European environment to benefit to the maximum from these provisions and at the same time ensure the unity of the market, it appears necessary to implement the more stringent European standards based on total harmonization;

Whereas in order to allow the European environment to benefit to the maximum from these provisions and at the same time ensure the unity of the market, it appears necessary to implement the most stringent European standards on a compulsory basis;

¹ OJ No. C 81, 30.3.1990, p.1

² OJ No. C 281, 9.11.1990, p. 9

(Amendment No. 3)
Ninth recital

Whereas the new standards and the test procedure should be laid down in the light of future developments in traffic in the European Community; whereas completion of the internal market is likely to lead to an increase in vehicle registrations, which will result in an increase in pollutant emissions;

Whereas the new standards and the test procedure should be laid down in the light of future developments in traffic in the European Community; whereas completion of the internal market is likely to lead to an increase in vehicle registrations, which will result in a drastic increase in pollutant emissions;

(Amendment No. 4)
Ninth recital a (new)

Whereas, in the light of this situation, the Commission must submit an environmental report on the ecological impact of developments in respect of cars and commercial vehicles, setting out what measures are needed to avert, and in general to reduce, the alarming increase in air pollution as a result of vehicle emissions, with particular reference to transport policy, fiscal measures and alternative technical facilities;

(Amendment No. 5)
Ninth recital b (new)

Whereas it is also necessary finally to introduce speed limits of a maximum of 120 km/h for cars and 80 km/h for commercial vehicles generally applicable throughout the Community;

(Amendment No. 6)
Tenth recital

Whereas in view of the major role played by pollutant emissions from motor vehicles and their contribution to the gases responsible for the greenhouse effect, their emissions of CO₂ in particular must be stabilized and subsequently reduced in line with the decision of the Governing Council of the United Nations Environment Programme (UNEP) of 24 May 1989, and in particular point 11(d) thereof;

Whereas in view of the major role played by pollutant emissions from motor vehicles and their contribution to the gases responsible for the greenhouse effect, their emissions of CO₂ in particular must be reduced in line with the decision of the Governing Council of the United Nations Environment Programme (UNEP) of 24 May 1989, and in particular point 11(d) thereof; whereas a CO₂ limit value should be laid down for this purpose;

(Amendment No. 7)
Eleventh recital

Whereas the Commission shall submit a proposal for a Directive on the measures to reduce evaporation losses at every stage in the process of storage and distribution of motor fuels;

Whereas the Commission shall submit a proposal for a Directive on the measures to reduce evaporation losses at every stage in the process of storage and distribution of motor fuels, from refinery through to final use in the operation of motor vehicles;

(Amendment No. 8)
Fifteenth recital a (new)

Whereas the Council, acting by a qualified majority on a proposal from the Commission, must decide as soon as possible on measures to be taken by the Member States to ensure regular testing of the emission patterns and the efficiency of the equipment of all motor vehicles;

(Amendment No. 9)
Sixteenth recital

Whereas the constant increase in environmental pollution caused by the rapid increase in traffic in the Community necessitates not only the adoption of limit values and tougher standards but also the development of alternative propulsion systems and transport concepts; whereas the Community should take steps to provide financial support for research and development for alternative transport concepts, propulsion systems and fuels;

Whereas the constant increase in environmental pollution caused by the rapid increase in traffic in the Community necessitates not only the adoption of limit values and tougher standards but also the development of alternative propulsion systems and transport concepts; whereas the Community should take steps to provide financial support for research and development for alternative transport concepts, propulsion systems and fuels, taking into account their environmental compatibility;

(Amendment No. 10)
Seventeenth recital

Whereas, therefore, in order to maximize the impact of the standards set out in this Directive, the Council, acting by a qualified majority on a proposal from the Commission, shall decide before 31 December 1992 on measures designed to:

- limit CO₂ emissions;

- adapt the emission standards (and the related tests) for vehicles not covered by this Directive, including all commercial vehicles;

Whereas, therefore, in order to maximize the impact of the standards set out in this Directive, the Council undertakes to decide before 31 December 1992, acting by a qualified majority on the basis of proposals to be submitted by the Commission by 30 September 1991, on measures designed to:

- limit CO₂ emissions, until the matter is fully regulated, using the following graduated limit values:
vehicles over 2000 cc: 250 g/km
vehicles between 1400 and 2000 cc: 200 g/km
vehicles below 1400 cc: 160 g/km;

- adapt the emission standards (and the related tests) for vehicles not covered by this Directive, including all commercial vehicles;

- lay down regular inspections and procedures for replacing, repairing or maintaining the equipment fitted in order to meet the values laid down;
- implement a research and development programme to encourage the marketing of clean vehicles and fuels.
- lay down regular inspections and procedures for replacing, repairing or maintaining the equipment fitted in order to meet the values laid down;
- implement a research and development programme to encourage the marketing of clean vehicles and fuels;
- improve the quality of fuel at filling stations by reducing the maximum permissible benzene content of gasoline to 1%, reducing the maximum permissible sulphur content of diesel fuel to 0.05% and setting the minimum cetane number at 50;
- reduce evaporation losses at every stage in the process of storage and distribution of motor fuels, from refinery through to the final consumer.

(Amendment No. 11)
Article 2a (new)

For the purpose of emission testing, manufacturers may choose between the FTP 75 test in Annex IIIA to Directive 88/76/EEC and the new European test procedure described in Annex III to this Directive.

(Amendment No. 12)
Article 3

Member States may make provision for tax incentives for the vehicles covered by this Directive. Such incentives shall meet the provisions of the Treaty as well as the following conditions:

- they shall apply to all domestic car production and to vehicles imported for marketing in a Member State and fitted with equipment allowing the European standards to be met in 1992 to be satisfied ahead of time;
- they shall cease upon the dates set in Article 2(3) for the compulsory entry into force of the emission values for new vehicles;
- they shall be of a value, for each type of vehicle, substantially lower than the actual cost of the equipment fitted to meet the values set and of its fitting on the vehicle.

The Commission shall be informed of any plans to introduce or amend the tax incentives referred to in the first subparagraph in sufficient time to allow it to submit comments.

In order to give industry sufficient time to convert production, this Directive lays down a second stage for the further reduction of limit values. The limit values in the second stage shall apply in accordance with Article 2 of this Directive:

- from 1 October 1995 for type-approvals for a type of motor vehicle;
- from 1 October 1996 for initial entry into service.

(Amendment No. 13)
Article 4

The Council, acting under the conditions laid down in the Treaty, shall decide before 31 December 1993 on a proposal which the Commission, taking into account technical progress, will submit before 31 December 1992 on a further reduction in limit values.

The reduced limit values shall not apply before 1 January 1996 for new type-approvals; they may serve as a basis for tax incentives as from the adoption of the new Directive.

Member States may make provision for tax incentives for the vehicles covered by this Directive. Tax incentives shall remain permissible after 31 December 1992, however, provided that

- they apply to all domestic car production and to vehicles imported for marketing in a Member State and fitted with equipment allowing new, stricter standards decided on the basis of the procedure under Article 3. The tax incentives shall be permitted as from the Council decision;
- or relate to purchases of equipment, including installation and maintenance costs, which will ensure that the standards are complied with for the entire service life of the vehicle;
- they are of a value, for each type of vehicle, lower than or equal to the actual cost of the equipment fitted to meet the values set and of its fitting on the vehicle.

The Commission shall be informed of any plans to introduce or amend the tax incentives referred to in the first subparagraph in sufficient time to allow it to submit comments.

(Amendment No. 14)
Article 5

Acting by a qualified majority on a proposal from the Commission, which will take account of the results of the work in progress on the greenhouse effect, the Council shall decide on measures designed to limit CO₂ emissions from motor vehicles.

Acting by a qualified majority on a proposal from the Commission, which shall be submitted no later than 30 September 1991, the Council shall decide, no later than 31 December 1992, on measures designed to limit CO₂ emissions from motor vehicles. At least the following limit values shall be used for this purpose until the matter is fully regulated:

vehicles over 2000 cc: 250 g/km

vehicles between 1400 and 2000 cc: 200 g/km

vehicles under 1400 cc: 160 g/km

(Amendment No. 15)
Article 6

The Commission shall confirm in an additional technical report at the beginning of 1991 the validity of the alternative European durability test ⁽⁺⁾, which shall be at least as stringent as the durability test defined in Annex VII and shall be more representative of driving conditions in Europe. Where necessary, the accelerated ageing test ⁽⁺⁾ may be amended on a proposal from the Commission, in accordance with the procedure of the Committee on Adaptation to Technical Progress, by the end of 1991.

Deleted

(+) OJ No. C 81, 30.3.1990 (Annex VII on pp. 98-101)

(Amendment No. 16)
Annex I, point 1, SCOPE

This Directive applies to the tailpipe emissions, evaporative emissions, emissions of crankcase gases and the durability of anti-pollution devices for all motor vehicles equipped with positive-ignition engines and to the tailpipe emissions and durability of anti-pollution devices from vehicles of categories M1 and N1 ⁽¹⁾, equipped with compression-ignition engines covered by Article 1 of Directive 70/220/EEC in the version of Directive 83/351/EEC ⁽²⁾, with the exception of those vehicles of category N1 for which type-approval has been granted under Directive 88/77/EEC ⁽³⁾.

This Directive applies to the tailpipe emissions, evaporative emissions, emissions of crankcase gases and the durability of anti-pollution devices for all motor vehicles equipped with positive-ignition engines and to the tailpipe emissions and durability of anti-pollution devices from vehicles of categories M1 and N1 ⁽¹⁾, equipped with compression-ignition engines covered by Article 1 of Directive 70/220/EEC in the version of Directive 83/351/EEC ⁽²⁾, with the exception of those vehicles of category N1 for which type-approval has been granted under Directive 88/77/EEC ⁽³⁾.

This Directive also applies to light commercial vehicles of category N1 up to 3.5t if the difference between tare weight and total weight is less than 750 kg.

At the request of the manufacturers, type-approval under this Directive may be extended from M1 or N1 vehicles equipped with compression ignition engines which have already been type-approved, to M2 and N2 vehicles having a reference mass not exceeding 2 840 kg and meeting the conditions of section 6 of this Annex (extension of EEC type-approval)

At the request of the manufacturers, type-approval under this Directive may be extended from M1 or N1 vehicles equipped with compression ignition engines which have already been type-approved, to M2 and N2 vehicles having a reference mass not exceeding 2 840 kg and meeting the conditions of section 6 of this Annex (extension of EEC type-approval)

- (1) As defined in section 0.4 of Annex I to Directive 70/156/EEC (OJ No. L. 42 of 23.02.1970, p. 1).
- (2) OJ No. L 197 of 20.07.1983, p.1.
- (3) OJ No. L 36 of 09.02.1988, p. 33.

- (1) As defined in section 0.4 of Annex I to Directive 70/156/EEC (OJ No. L. 42 of 23.02.1970, p. 1).
- (2) OJ No. L 197 of 20.07.1983, p.1.
- (3) OJ No. L 36 of 09.02.1988, p. 33.

(Amendment No. 17)

Annex I, point 5.1.1., third and fourth paragraphs

If an oxygen sensor is used in the catalytic converter system, steps must be taken to ensure that the stoichiometric air-fuel ratio (λ) is maintained when a certain speed is reached or when accelerating.

If an oxygen sensor is used in the catalytic converter system, steps must be taken to ensure that the stoichiometric air-fuel ratio (λ) is maintained when a certain speed is reached or when accelerating.

However, temporary variations in this ratio are permissible if they also occur during the test defined in sections 5.3.1. and 7.1.1. respectively, or if these variations are necessary for safe driving and for the correct operation of the engine and of components which affect pollutant emissions or if these variations are necessary for cold starting.

Deleted

(Amendment No. 18)

Annex I, point 5.3.1.4., table

Mass of carbon monoxide	Combined mass of hydrocarbons and oxides of nitrogen	Mass of particulates (1)
L1 (g/km)	L2 (g/km)	L3 (g/km)
2.72	0.97	0.14

from	CO	HC	NOx	PM
1.7.1992	2.1	0.2	0.6	0.1
1.1.1992				
1.10.1995	2.1	0.15	0.3	0.05
1.10.1996				

(1) For compression-ignition engines.

(Amendment No. 19)
Annex I, point 7.1.1.1.

A vehicle is taken from the series and subjected to the test described in 5.3.1. The deterioration factors are applied in the same way. However, the limits shown in 5.3.1.4. are replaced by the following:

A vehicle is taken from the series and subjected to the test described in 5.3.1. The deterioration factors shall be applied in the same way.

<u>Mass of carbon monoxide</u>	<u>Combined mass of hydrocarbons and oxides of nitrogen</u>	<u>Mass of particulates (1)</u>
<u>L1</u>	<u>L2</u>	<u>L3</u>
<u>(g/km)</u>	<u>(g/km)</u>	<u>(g/km)</u>
<u>3.16</u>	<u>1.13</u>	<u>0.18</u>

Deleted

(1) For compression-ignition engines.

(Amendment No. 20)
Annex I, point 8.1

For the type-approval and verification of conformity of:

Deleted

- vehicles other than those of category M1;
- passenger vehicles of category M1 designed to carry more than six occupants including the driver or whose maximum mass exceeds 2 500 kg;
- off-road vehicles as defined in Annex I to Directive 70/156/EEC as last amended by Directive 87/403/EEC⁽¹⁾

(1) OJ No. L 220, 8.8.1987, p. 44

the test must be the Part ONE test.
 The limit values shown in the tables
 in 5.3.1.4. (type-approval) and
 7.1.1.1. (conformity check) are
 replaced by the following:

Deleted

For vehicle type-approval;

<u>Reference mass</u> <u>RW</u>	<u>Carbon monoxide</u> <u>L1</u>	<u>Combined</u> <u>emission of</u> <u>hydrocarbons</u> <u>and oxides</u> <u>of nitrogen</u> <u>L2</u>
<u>(kg)</u>	<u>(g/test)</u>	<u>(g/test)</u>
RW ≤ 1 020	<u>58</u>	<u>19.0</u>
1 020 < RW ≤ 1 250	<u>67</u>	<u>20.6</u>
1 250 < RW ≤ 1 470	<u>76</u>	<u>22.0</u>
1 470 < RW ≤ 1 700	<u>84</u>	<u>23.5</u>
1 700 < RW ≤ 1 930	<u>93</u>	<u>25.0</u>
1 930 < RW ≤ 2 150	<u>101</u>	<u>26.6</u>
2 150 < RW	<u>110</u>	<u>28.0</u>

Deleted

For conformity of production checks;

<u>Reference mass</u> <u>RW</u>	<u>Carbon monoxide</u> <u>L1</u>	<u>Combined</u> <u>emission of</u> <u>hydrocarbons</u> <u>and oxides</u> <u>of nitrogen</u> <u>L2</u>
<u>(kg)</u>	<u>(g/test)</u>	<u>(g/test)</u>
RW ≤ 1 020	<u>70</u>	<u>23.8</u>
1 020 < RW ≤ 1 250	<u>80</u>	<u>25.6</u>
1 250 < RW ≤ 1 470	<u>91</u>	<u>27.5</u>
1 470 < RW ≤ 1 700	<u>101</u>	<u>29.4</u>
1 700 < RW ≤ 1 930	<u>112</u>	<u>31.3</u>
1 930 < RW ≤ 2 150	<u>121</u>	<u>33.1</u>
2 150 < RW	<u>132</u>	<u>35.0</u>

Deleted

(Amendment No. 21)
Annex I, point 8.2

The following provisions remain applicable until 31 December 1994 for vehicles newly put into service and type-approved before 1 July 1993:

- the transitional provisions laid down in section 8.3. (with the exception of 8.3.1.3.) of Annex I to Directive 70/220/EEC, as amended by Directive 88/436/EEC;
- the provisions laid down for category M1 vehicles other than those referred to in section 8.1. of this Annex, fitted with positive-ignition engines of a capacity of more than 2 litres, in Annex I to Directive 70/220/EEC, as amended by Directive 88/76/EEC;
- the provisions laid down for vehicles with an engine capacity of less than 1.4 litres in Directive 70/220/EEC, as amended by Directive 89/458/EEC.

At the manufacturer's request, the tests carried out in accordance with these requirements may be type-approved instead of undergoing the test referred to in sections 5.3.1., 5.3.5. and 7.1.1. of Annex I to Directive 70/220/EEC, as amended by Directive / /EEC.

- The American test as provided for in section 8.3 of Annex I to Directive 70/220/EEC (Annex IIIA) as last amended by Directive 89/491/EEC may, with the exception of 8.3.1.3., continue to be used at the manufacturer's request with the proviso that the limit values set out in this Directive (Annex I, sections 5.3.1.4. and 7.1.1.1.) shall be applied from the corresponding dates.
- The provisions laid down for vehicles with an engine capacity of less than 1.4 litres in Directive 70/220/EEC, as amended by Directive 89/458/EEC, shall be brought into line with this Directive on 1 July 1992.

B

EXPLANATORY STATEMENT

- I. Introduction: The basis for the Commission proposal of 2 February 1990 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 was the undertaking by the Commission and Council, enshrined in Article 5 of Directive 89/458/EEC, to submit a proposal for the approximation of limit values for vehicles with a cubic capacity greater than 1400 cm³ and to decide on new, more stringent standards for these categories of vehicles before the end of 1990.

In its opinion at first reading Parliament pointed out that the limit values and measures proposed by the Commission would neither achieve its own stated objectives nor satisfy the demands of protection of the environment and public health; it called for the most stringent standards possible to be made compulsory and for ambitious objectives to be set.

In its resolution of 12 September 1990 Parliament therefore proposed 35 amendments setting out significantly stricter standards and additional measures.

The Commission submitted an amended proposal on 19 October 1990 in which it accepted 16 of the amendments adopted by Parliament.

- II. Common position: The Council has essentially based its common position on the Commission proposal of 19 October 1990. It has however departed from the Commission's amended proposal in a number of respects. In a new Article 4, for example, the Council has established the principle of a second stage with more stringent emission standards and has undertaken to decide on a further reduction in limit values by 31 December 1992.

- III. Assessment: Both the Council's common position and the Commission's amended proposal have taken heed of Parliament's arguments at first reading. The Council itself affirms that future developments in traffic in the Community must be taken into account and more stringent standards introduced in the light of the likely increase in pollutant emissions. At the same time the Council states that industry in the Community now has available, or is currently perfecting, technologies which allow a drastic reduction in the limit values for all engine sizes. Nevertheless, the proposals put forward by the Commission and Council are inadequate measured against both their own objectives - a significant reduction in the level of pollutant emissions - and the demands of protection of the environment and public health. In recent years damage to the environment from motor vehicles has become increasingly severe. Air pollution, to which motor vehicles make a significant contribution, has reached almost intolerable proportions.

There is also a threat of a further dramatic increase in damage to the environment caused by air pollution from motor vehicles. This is

particularly true of densely populated areas and the major European cities.

- In the next few years the number of motor vehicles will increase so rapidly that not even the introduction of the catalytic converter by 1993 will have sufficient impact. One study has shown that in the period up to the year 2010 the number of vehicles in Europe will increase by 35%; i.e. there will be 45 million more cars than at present.
- In many cities traffic currently accounts for almost 90% of all emissions of carbon monoxide. Cities and densely populated areas are currently worst hit by vehicle emissions.
- In other words, road transport in the EC is heading for a disaster- and a dramatic increase in air pollution.
- The Commission and Council fail to address this situation in their proposals. The proposed limit values, which are to apply from 1992/93, merely lay down the emission values already achieved. Far from bringing about a reduction in damage to the environment caused by air pollution from cars, this will imply an unacceptable increase in such damage.

IV. Recommendation: The Environment Committee therefore recommends more stringent limit values from 1992/93 and the introduction of a second stage for the further drastic reduction of limit values, which should be laid down in the present directive and would apply from 1995/96.

The Environment Committee also urgently recommends that the FTP 75 test pursuant to Annex III A to Directive 88/76/EEC be retained as an optional alternative and points out that the most recent comparisons between the new EC test and the FTP 75 test clearly show that despite what the Commission has said in the past, the European test is less and not more stringent than the EC test (Amendments Nos. 1, 11 and 21). With regard to the remaining measures proposed by Parliament - which the Council and Commission recognize as being of vital importance and to which a commitment has been given in the seventeenth recital - the committee proposes making the corresponding provisions more specific in a number of respects. This applies in particular to the limit values for CO₂, the reduction of the benzene content of gasoline to 1% and the increase in the minimum cetane number to 50, as proposed in Amendments Nos. 10 and 14.

With regard to the remaining aspects the committee adheres to the explanatory statement contained in its report at first reading.

V. Consideration in committee: The committee gave careful consideration to the common position at two meetings. This recommendation was adopted by a large majority.

VI. Concluding remarks: Through its draftsman, Mrs Ernst de la Graete, the Committee on Economic and Monetary Affairs and Industrial Policy tabled four amendments which, with one exception, have either been taken into account or were already contained in the common position and the amendments tabled by the Environment Committee's rapporteur.

Minority opinion: A number of committee members voted against certain amendments; they opposed the retention of the FTP 75 test, the introduction of limit values for CO₂ emissions and the more stringent limit values for gaseous emissions.