



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.06.1998  
COM(1998) 397 final

96/ 0164 (COD)

OPINION OF THE COMMISSION  
pursuant to Article 189 b (2) (d) of the EC Treaty,  
on the European Parliament's amendments  
to the Council's common position regarding the

proposal for a  
EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

relating to measures to be taken against air pollution by emissions from motor vehicles and a  
Directive 70/220/EEC

with regard to light commercial vehicles

## OPINION OF THE COMMISSION

### 1. Background to the proposal

- A proposal to amend Directive 70/156/EEC and Directive 70/220/EEC was adopted by the Commission on 18<sup>th</sup> June 1996 (concerning emissions from passenger cars) and transmitted to the Council, the European Parliament and the Economic and Social Committee on 29<sup>th</sup> August 1996 (*Reference COM(96)248 final*).
- The Council adopted a unanimous Common Position on passenger car emissions on 7<sup>th</sup> October 1997 (*Reference OJ C351, vol. 40 of 19 November 1997*).
- The European Parliament delivered its opinion in second reading on the above Council common position on 18<sup>th</sup> 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 20<sup>th</sup> February 1997 (*Reference COM(97)61 final of 20<sup>th</sup> 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 18<sup>th</sup> February 1998, adopting one amendment.
- The Council adopted a Common Position on 23<sup>rd</sup> March 1998.
- The European Parliament delivered its opinion in second reading on the Council's Common Position on 30<sup>th</sup> April 1998, adopting five amendments.

### 2. Objective of the amended proposal

The objective of the amended proposal is to extend the proposal adopted by the Commission for passenger cars to light commercial vehicles (category N<sub>1</sub> vehicles). The proposal was made according to Article 189b(2) of the Treaty.

The proposal follows the same format as that proposed by the Commission for passenger cars except the timetable for application is delayed by one year for category N<sub>1</sub> vehicles of weight classes II and III. It confirms that the limit values applicable to category N<sub>1</sub> vehicles of weight class I correspond to those applicable for passenger cars. It introduces emission limit values for category N<sub>1</sub> vehicles of weight classes II and III that represent a proportional reduction on the limit values laid down in Directive 96/69/EC. Specific limits for on-board diagnostics (OBD) are introduced for light commercial vehicles and in-service conformity checking is applied on the basis of the requirements adopted in the earlier Commission proposal for passenger cars.

### **3. Position adopted by the European Parliament in second reading and the Commission's reaction**

The European Parliament adopted five amendments to the common position of the Council. The amendment which is central to the European Parliament's proposal is amendment 5. The other amendments are as a consequence of amendment 5.

The Commission can not accept any of these five amendments. Dealing first with amendment 5:

#### **Amendment 5 Tightening of emission limits for 2000 and 2005 applicable to category N<sub>1</sub> vehicles (classes I, II and III)**

This amendment introduces separate hydrocarbon (HC) and oxide of nitrogen (NO<sub>x</sub>) limits and more stringent emission limit values for HC (all classes for petrol and diesel), NO<sub>x</sub> (for class I diesel only) and particulates (all classes). It is in alignment with the amendment made for passenger cars in the second reading of that proposal and is based on 'best available technology'. The Commission did not accept the respective amendment in the European Parliament's second reading of the cars proposal. The same reasons apply in the case of light commercial vehicles, as follows:

There is a short time before the entry into force of the measures. Consequently the more stringent limits proposed by the European Parliament for the year 2000 may not be feasible in that timeframe, especially those limits for NO<sub>x</sub> and particulates for diesel engined vehicles.

The amendment also re-affirms the European Parliament amendment from the first reading that the 2005 limits are mandatory, not indicative. The limits proposed for 2005 are not achievable without the emergence of new technologies which rely on the provision of reformulated fuels, for example fuels with a lower sulphur content. The question of whether emission limits for 2005 for vehicles can be transformed from indicative to mandatory depends in any case on the transformation of the indicative 2005 values for fuels into mandatory values. Accepting this amendment would prejudge the results of the Auto-Oil II programme.

The amendment also introduces a derogation to all classes of 'off-road vehicles' which would otherwise be classified as category M<sub>1</sub> vehicles, to meet the emission limits applicable to category N<sub>1</sub> vehicles. This is difficult to understand since the same derogation was removed from the emissions directive in 1996. In its common position, the Council also introduced a derogation for off-road vehicles but it was recognised that it was intended for specific vehicle types that would have difficulty in meeting the 2000 limit values. Therefore the Council common position precisely defines the vehicle categories to which this derogation is applicable and also limits the derogation until 1 January 2003. The Council has taken a fair approach to a valid problem which the Commission supported.

For these reasons, this amendment and the consequential amendments 1, 2, 3 and 4 cannot be supported.

#### **Amendment 1 *Reference to the table of emission limits***

This is a consequential editorial amendment resulting from amendment 5. It changes the format of the emission limit table by placing all emission limits applicable from the year 2000 into one row of that table, row A.

**Amendment 2** *Reference to the table of emission limits*

This is a consequential editorial amendment resulting from amendment 5. It changes the format of the emission limit table by placing all emission limits applicable from the year 2000 into one row of that table, row A.

**Amendment 3** *Date from which new type approvals must comply with the European Parliament's proposal for mandatory 2005 limits*

This amendment introduces a new section which sets the deadline from which Member States may refuse to type approve vehicles that do not comply with the mandatory emission limits proposed by the European Parliament for application from the year 2005. This is a consequence of one part of amendment 5 which defines the European Parliament's proposal for mandatory limits applicable from 2005.

**Amendment 4** *Date from which new vehicle registrations must comply with the European Parliament's proposal for mandatory 2005 limits*

This amendment introduces a new section which sets the deadline from which Member States shall refuse the registration, sale or entry into service of new vehicles which do not comply with the mandatory emission limits proposed by the European Parliament for application from the year 2005. This is a consequence of one part of amendment 5 which defines the European Parliament's proposal for mandatory limits applicable from 2005.

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