

# EUROPEAN PARLIAMENT

2004



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*Committee on the Environment, Public Health and Food Safety*

PROVISIONAL  
**2005/0282(COD)**

5.5.2006

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council on type approval of motor vehicles with respect to emissions and on access to vehicle repair information, amending Directive 72/306/EEC and Directive .../EC  
(COM(2005)0683 – C6-0007/2006 – 2005/0282(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Matthias Groote

Draftswoman (\*): Anja Weisgerber

(\*) Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on type approval of motor vehicles with respect to emissions and on access to vehicle repair information, amending Directive 72/306/EEC and Directive .././EC (COM(2005)0683 – C6-0007/2006 – 2005/0282(COD))**

**(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0683)<sup>1</sup>,
  - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0007/2006),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy, the Committee on Transport and Tourism and the Committee on the Internal Market and Consumer Protection (A6-0000/2006),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

### Amendment 1 Recital 4

(4) In March 2001 the Commission launched the Clean Air For Europe (CAFE) programme, the major elements of which are outlined in a communication. This has led to the adoption of a thematic strategy on air pollution. One of the conclusions of the thematic strategy is that further reductions in *vehicle* emissions are needed to achieve European air quality objectives.

(4) In March 2001 the Commission launched the Clean Air For Europe (CAFE) programme, the major elements of which are outlined in a communication. This has led to the adoption of a thematic strategy on air pollution. One of the conclusions of the thematic strategy is that further reductions in emissions *from the transport sector (air, maritime and land transport) and from the economic sector (industries processing raw materials)* are

<sup>1</sup> Not yet published in OJ.

needed to achieve European air quality objectives. ***In this context, the task of reducing vehicle emissions should be approached as part of a global strategy.***

*Justification*

*The thematic strategy on air quality must take account of the fact that in addition to vehicle emissions there are other forms of emissions which need to be drastically reduced.*

Amendment 2  
Recital 5

(5) In setting emissions standards it is important to take into account the implications for markets and manufacturers' competitiveness, the direct and indirect costs imposed on business and the benefits that accrue in terms of stimulating innovation, improving air quality ***and*** reducing health costs.

(5) In setting emissions standards it is important to take into account the implications for markets and manufacturers' competitiveness, the direct and indirect costs imposed on business and the benefits that accrue in terms of stimulating innovation, improving air quality, reducing health costs ***and increasing life expectancy.***

*Justification*

*The issue here is not just one of reducing health costs, but also of increasing life expectancy. The Commission's impact assessment refers to the saving of 20 500 life-years in 2020.*

Amendment 3  
Recital 6

*Does not apply to English text*

Amendment 4  
Recital 7

(7) The Commission should closely monitor technological developments in emission control and, where **appropriate**, adapt this Regulation accordingly.

(7) The Commission should closely monitor technological developments in emission control and, where **called for in the text of this Regulation**, adapt this Regulation accordingly.

*Justification*

*Not everything should be solved through comitology and we should make sure that the main lines are decided through codecision.*

Amendment 5  
Recital 8

(8) The Commission should keep under review, **and where necessary regulate**, emissions which are as yet unregulated and which arise as a consequence of the wider use of new fuel formulations, engine technologies and exhaust emission control systems. **This should include a review of the benefits of changing from regulating emissions of total hydrocarbons (THC) to a system based on non-methane hydrocarbons (NMHC) and methane (CH<sub>4</sub>).**

(8) The Commission should keep under review emissions which are as yet unregulated and which arise as a consequence of the wider use of new fuel formulations, engine technologies and exhaust emission control systems **and, where necessary, submit a proposal to the Council and Parliament with a view to regulating such emissions.**

*Justification*

*Separate limit values already apply. CNG-powered vehicles cannot comply with them.*

Amendment 6  
Recital 8 a (new)

**(8a) In order not to force gas-powered cars, which represent a step forward by virtue of their low NO<sub>x</sub> and particulate emissions, off the market, and at the same**

*time, to encourage progress with petrol-powered vehicles, this Regulation introduces separate limit values for total hydrocarbons and total non-methane hydrocarbons.*

#### *Justification*

*CNG-powered cars make a substantial contribution to reducing NOx and particulate emissions. They have much lower emissions levels than comparable petrol-powered cars and should not therefore be forced off the market by the imposition of limit values which cannot be complied with using current technology.*

#### Amendment 7 Recital 9

(9) In order to ensure that emissions of ultra fine particulate matter (PM) are controlled, the Commission should **also give consideration to the adoption of** a number based approach to emissions of PM, in addition to the mass based approach which is currently used.

(9) In order to ensure that emissions of ultra fine particulate matter (PM **2.5 and below**) are controlled, the Commission should **adopt, as soon as possible and at the latest when the second step (Euro 6) comes into force, and** in addition to the mass based approach which is currently used, a number based approach to emissions of PM **which draws on the results of the UN/ECE's Particulate Measurement Programme (PMP) and which is consistent with the existing ambitious objectives for the environment.**

#### *Justification*

*The introduction of limit values for particulate emissions will ensure that the measurement procedures now also cover ultra fine particulates, which have been shown to be particularly damaging to health. It is not yet technically feasible to reduce the mass of particulate emissions, but the introduction of a procedure to measure the number of particulates will also ensure that emissions of ultra fine particulates are restricted.*

#### Amendment 8 Recital 10

(10) To provide greater repeatability in measuring the mass of particulate

(10) To provide greater repeatability in measuring the mass **and number of**



emissions in the laboratory, the Commission should introduce a new **testing protocol. Once the relevant research programme is complete, consideration will be given to** replacing the current measurement procedure **with the new approach.** When the new measurement procedure is implemented, the PM mass emission limits set out in this proposal will be recalibrated, as the new technique records a lower level of mass than the current method.

particulate emissions in the laboratory, the Commission should, **as soon as possible and at the latest when the second step (Euro 6) comes into force, and on the basis of the results of the UN/ECE's Particulate Measurement Programme (PMP),** introduce a new **measurement procedure** replacing the current measurement procedure. When the new measurement procedure is implemented, the PM mass emission limits set out in this proposal will be recalibrated, as the new technique records a lower level of mass than the current method.

#### *Justification*

*The introduction of limit values for particulate emissions will ensure that the measurement procedures now also cover ultra fine particulates, which have been shown to be particularly damaging to health. It is not yet technically feasible to reduce the mass of particulate emissions, but the introduction of a procedure to measure the number of particulates will also ensure that emissions of ultra fine particulates are restricted.*

#### Amendment 9 Recital 13 a (new)

**(13a) In its proposal for the next emissions standard step (Euro 7), the Commission should consider introducing, in addition to limit values for emissions which have traditionally been regulated, limit values for CO<sub>2</sub> emissions. In that connection, particular support should be given to alternative fuels, such as biofuels, which, by virtue of their positive CO<sub>2</sub> balance, produce low CO<sub>2</sub> emissions.**

#### *Justification*

*With a view to continuing the process started with the establishment of the CARS 21 High Level Group, sending the automobile industry a clear message through the relevant legislation, and reducing all environmentally-relevant emissions produced by vehicles burning fossil fuels, in future this regulation should also impose restrictions on CO<sub>2</sub> emissions.*

*More widespread use must be made of biofuels, given that they represent an economically and*

*ecologically sustainable way of getting clean vehicles on to Europe's roads.*

Amendment 10  
Recital 13 b (new)

***(13b) With a view to achieving results consistent with a clean environment, the Commission should consider introducing in the motor vehicle sector, in addition to emissions standards, rules governing matters such as energy efficiency.***

*Justification*

*In addition to emissions, the approach must focus on the energy efficiency of vehicles, with a view to attacking the problem at its source. Taking intelligent vehicles as an example, computer-based efforts must be made to reduce vehicle fuel consumption.*

Amendment 11  
Recital 13 c (new)

***(13c) In its proposal for the next emissions standard step (Euro 7), the Commission should set up studies designed to determine whether the further subdivision of vehicle categories into groups is still necessary.***

*Justification*

*This would be a possible further simplification of the Regulation.*

Amendment 12  
Recital 16 a (new)

***(16a) In order to clarify one aspect of the relevant legislation, Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member***

***States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles<sup>1</sup> should be amended in such a way as to cover all heavy-duty vehicles and to make clear that this Regulation concerns light-duty vehicles.***

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<sup>1</sup> OJ L 275, 20.10.2005, p. 1. Directive as last amended by Commission Directive 2005/78/EC (OJ L 313, 29.11.2005, p. 1.)

#### *Justification*

*In the interests of better lawmaking, the scope must be clearly defined. Hitherto, heavy-duty, petrol-powered vehicles were covered by Directive 70/220/EEC. Even though the case is only a hypothetical one, given that there are few heavy-duty, petrol-powered vehicles, for the sake of clarity this misunderstanding should be remedied.*

#### Amendment 13 Recital 17 a (new)

***(17a) In order to ensure a smooth transition from the existing Directives to the present Regulation, the exception which enabled category M<sub>1</sub> vehicles over 2 500 kg to be type approved as N<sub>1</sub> class II and III vehicles should be maintained in the Euro 5 step for vehicles designed to fulfil specific social needs. This exception should cease with the entry into force of the Euro 6 step.***

#### *Justification*

*Non off-road family vehicles designed for more than six occupants in addition to the driver or vehicles designed for rescue, emergency or recovery purposes, transportation of people with disabilities or to fulfil public utilities should until Euro 6 have the possibility to be still type approved as N1 class II and III vehicles.*

Amendment 14  
Recital 18

(18) The measures necessary for the implementation or amendment of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

(18) The measures necessary for the implementation or amendment of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, ***provided that this is stipulated in the relevant articles.***

*Justification*

*Not everything should be solved through comitology and we should make sure that the main lines are decided through codecision.*

Amendment 15  
Recital 19

(19) The objectives of this Regulation, namely the realisation of the internal market through the introduction of common technical requirements concerning emissions from motor vehicles, cannot be sufficiently achieved by the Member States. Due to the scale of the action required the objectives can be better achieved at a Community level. Therefore, the Community may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary for that purpose,

(19) The objectives of this Regulation, namely the realisation of the internal market through the introduction of common technical requirements concerning emissions from motor vehicles ***and guaranteed access to vehicle repair information for independent garages on the same basis as for authorised dealers and repair shops,*** cannot be sufficiently achieved by the Member States. Due to the scale of the action required the objectives can be better achieved at a Community level. Therefore, the Community may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary for that purpose,

*Justification*

*Access to vehicle repair information is fundamental to the free movement of motor vehicles on the internal market. Independent garages must be able to offer maintenance and other*

*services designed to ensure environmentally-friendly vehicle use.*

Amendment 16  
Article 1, paragraph 1

This Regulation establishes requirements for the type approval of motor vehicles and replacement parts, such as replacement ***catalytic converters***, with regard to their emissions.

This Regulation establishes requirements for the type approval of motor vehicles and replacement parts, such as replacement ***anti-pollution devices***, with regard to their emissions.

*Justification*

*A term must be employed which does not serve to disadvantage any technology or to restrict innovation.*

Amendment 17  
Article 2

1. This Regulation shall apply to motor vehicles ***equipped with:***

1. This Regulation shall apply to motor vehicles ***of categories M<sub>1</sub>, M<sub>2</sub> and N<sub>1</sub> as defined in [Annex II] of Directive [XXXX/XX/EC] with a technically permissible maximum laden mass not exceeding 3 500 kg or a reference mass not exceeding 2 610 kg.***

***(a) positive ignition engines;***

***(b) positive ignition engines fuelled by gas of categories M<sub>1</sub> and N<sub>1</sub> as defined in [Annex II] of Directive [XXXX/XX/EC]; and***

***(c) compression ignition engines of categories M<sub>1</sub> and N<sub>1</sub> as defined in [Annex II] of Directive [XXXX/XX/EC].***

2. At the manufacturer's request this Regulation may ***also apply to motor vehicles equipped with compression ignition engines of categories M<sub>2</sub> and N<sub>2</sub>, as defined in [Annex II] of Directive [XXXX/XX/EC], having a reference mass not exceeding 2 840 kg and which meet the conditions laid down in this Regulation and its implementing measures.***

2. At the manufacturer's request ***type approval granted under this Regulation to category M<sub>1</sub>, M<sub>2</sub> and N<sub>1</sub> vehicles may be extended to category M<sub>1</sub>, M<sub>2</sub> and N<sub>2</sub> vehicles as defined in [Annex II] of Directive [XXXX/XX/EC] having a reference mass not exceeding 2 840 kg and which meet the conditions laid down in this Regulation and its implementing measures.***

### *Justification*

*To avoid confusion there should be a clear split between the regulation of light duty vehicles and that of heavy duty vehicles. A change is therefore needed of the scope. The new scope is technology neutral, thus it makes no reference to engines and fuels. The change of the scope of this Regulation is linked to the amendment changing the scope of Directive 2005/55/EC which should cover all heavy duty vehicles in the future.*

### Amendment 18 Article 3, point 1 a (new)

***(1a) “vehicles designed to fulfil specific social needs” means either non off-road family vehicles designed for more than six occupants in addition to the driver or vehicles designed for rescue, emergency or recovery purposes, transportation of people with disabilities or to fulfil public utility requirements.***

### *Justification*

*In order to ensure a smooth transition from the existing Directives to the present Regulation, the exception which enabled category M1 vehicles over 2.500 kg to be type approved as N1 class II and III vehicles should be maintained in the Euro 5 step for vehicles designed to fulfil specific social needs. This exception should cease with the entry into force of the Euro 6 step.*

### Amendment 19 Article 3, point 11

(11) “original equipment ***catalytic converter***” means ***a catalytic converter*** or an assembly of ***catalytic converters*** covered by the type approval delivered for the vehicle;

(11) “original equipment ***anti-pollution device***” means ***an anti-pollution device*** or an assembly of ***such devices*** covered by the type approval delivered for the vehicle;

### *Justification*

*In the interests of clear lawmaking, and with a view to taking account of technical progress, it is better to employ a broad term rather than incorporating separate points for catalytic converters, diesel particle filters, NOx after-treatment systems and other after-treatment systems which may be developed in the future. A term must be employed which does not serve to disadvantage any technology or to restrict innovation.*

### Amendment 20

Article 3, point 12

(12) “replacement *catalytic converter*” means *a catalytic converter* or an assembly of *catalytic converters* intended to replace an original equipment *catalytic converter* which can be approved as a separate technical unit as defined in Directive [XXXX/XX/EC];

(12) “replacement *anti-pollution device*” means *an anti-pollution device* or an assembly of *such devices* intended to replace an original equipment *anti-pollution device* which can be approved as a separate technical unit as defined in Directive [XXXX/XX/EC];

*Justification*

*In the interests of clear lawmaking, and with a view to taking account of technical progress, it is better to employ a broad term rather than incorporating separate points for catalytic converters, diesel particle filters, NOx after-treatment systems and other after-treatment systems which may be developed in the future. A term must be employed which does not serve to disadvantage any technology or to restrict innovation.*

Amendment 21  
Article 3, point 13

(13) “vehicle repair information” means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, re-programming or re-initialising of the vehicle and which the manufacturers provide for their authorised dealers/repair shops, including all subsequent amendments and supplements to such information.

(13) “vehicle repair information” means all information required for diagnosis, servicing, inspection, periodic monitoring, repair, *fitting of parts and devices*, re-programming or re-initialising of the vehicle and which the manufacturers provide for their authorised dealers/repair shops, including all subsequent amendments and supplements to such information.

Amendment 22  
Article 3, point 14

(14) “independent operator” means undertakings other than authorised dealers and repair shops which are directly or indirectly involved in the repair and maintenance of motor vehicles, in particular repairers, manufacturers of repair equipment or tools, distributors of spare parts, publishers of technical information, automobile clubs, roadside assistance operators, operators offering inspection and testing services and operators offering

(14) “independent operator” means undertakings other than authorised dealers and repair shops which are directly or indirectly involved in the repair and maintenance of motor vehicles, in particular repairers, manufacturers of *and traders in* repair equipment or tools, distributors of spare parts, publishers of technical information, automobile clubs, roadside assistance operators, operators offering inspection and testing services and

training for repairers.

operators offering training for repairers.

Amendment 23  
Article 4, paragraph 2

2. Manufacturers shall ensure that type approval procedures for verifying conformity of production, durability of pollution control devices and in-use compliance are met. In-use compliance measures shall be checked for a period of up to 5 years or 100 000 km, whichever is the sooner. Durability testing of pollution control devices undertaken for type approval shall cover **160 000** km.

2. Manufacturers shall ensure that type approval procedures for verifying conformity of production, durability of pollution control devices and in-use compliance are met. In-use compliance measures shall be checked for a period of up to 5 years or 100 000 km, whichever is the sooner. Durability testing of pollution control devices undertaken for type approval shall cover **200 000** km.

*Justification*

*Steps must be taken to ensure that old vehicles also still have properly functioning anti-pollution devices.*

Amendment 24  
Article 5, paragraph 4, point (i)

*Does not apply to English text.*

Amendment 25  
Article 5, paragraph 5

5. The Commission shall keep under review the pollutants subject to the requirements and tests referred to in paragraph 4 as well as the test cycles used to measure emissions and shall **adopt the necessary measures** if it finds that the procedures or tests are no longer adequate **or do** no longer reflect real world emissions.

5. The Commission shall keep under review the pollutants subject to the requirements and tests referred to in paragraph 4 as well as the test cycles used to measure emissions and shall **propose any changes required to the Council and Parliament** if it finds that the procedures or tests are no longer adequate, no longer reflect real world emissions **or there is a need to regulate emissions of additional pollutants**.

*Justification*

*The issues of the review of the test cycles and the introduction of limit values for additional pollutants should be dealt with under the codecision procedure.*



Amendment 26  
Article 5, paragraph 6

6. The Commission shall establish, in accordance with the procedure referred to in Article 37(2) of Directive [XXXX/XX/EC], the specific procedures, tests and requirements for the implementation of paragraphs 2 to 5.

6. The Commission shall establish, in accordance with the procedure referred to in Article 37(2) of Directive [XXXX/XX/EC], the specific procedures, tests and requirements for the implementation of paragraphs 2 to 4. ***The implementing measures must be submitted at the latest [six months after the entry into force of this Regulation].***

*Justification*

*Automobile manufacturers are dependent on the technical details contained in the implementing measures. Accordingly, no more than six months should elapse before they are put forward, so that the new limit values also be implemented.*

Amendment 27  
Article 6, paragraph 1

1. Manufacturers shall provide unrestricted and standardised access to vehicle repair information to independent operators through websites in a readily accessible and prompt manner, and in a manner which is non-discriminatory compared to access granted to authorised dealers and repair shops.

1. Manufacturers shall provide unrestricted and standardised access to vehicle repair information to independent operators through websites in a readily accessible and prompt manner, and in a manner which is non-discriminatory compared to access granted to authorised dealers and repair shops. ***With a view to facilitating the achievement of this objective, the information shall be submitted in a manner consistent with the technical requirements of the OASIS standard. Manufacturers shall also make training material available to independent operators and authorised dealers and repair shops.***

*Justification*

*The OASIS standard, developed in 2003 by means of cooperation between the various industries under the auspices of the Commission, simplifies access to vehicle repair information. The bloc exemption regulation (1400/2002) also calls for training material to be made available. With a view to ensuring that such material continues to be made available in the future, the regulation should incorporate a reference to this matter.*

Amendment 28  
Article 6, paragraph 4

4. The vehicle repair information shall be always available, except as required for maintenance *purposes*.

4. The vehicle repair information shall be always available, except as required for maintenance *of the information system*.

Amendment 29  
Article 6, paragraph 5

5. For the purposes of manufacture and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide *vehicle repair* information on a non-discriminatory basis to any interested component, diagnostic tools or test equipment manufacturer and/or repairer.

5. For the purposes of manufacture and servicing of OBD-compatible replacement or service parts and diagnostic tools and test equipment, manufacturers shall provide *the relevant OBD* information on a non-discriminatory basis to any interested component, diagnostic tools or test equipment manufacturer and/or repairer.

*Justification*

*Vehicle repair information is not the same as OBD information. In keeping with the purpose of this paragraph, a specific reference must be made to OBD information.*

Amendment 30  
Article 8

The Commission shall adopt, in accordance with the procedure referred to in Article 37(2) of Directive [XXXX/XX/EC], the measures necessary for implementation of Article 6 and Article 7. This shall include the definition of technical specifications relating to the way in which vehicle repair information shall be provided.

The Commission shall adopt, in accordance with the procedure referred to in Article 37(2) of Directive [XXXX/XX/EC], the measures necessary for implementation of Article 6 and Article 7. This shall include the definition of technical specifications relating to the way in which vehicle repair *and OBD* information shall be provided.

*Justification*

*See justification for the amendment to Article 6(5).*

Amendment 31  
Article 9, paragraphs 2 and 3

2. With effect from */18 months plus one*

2. With effect from *1 June 2009, except*

*day from the date of entry into force], and from [30 months from the date of entry into force] in the case of category N<sub>1</sub> class II and III, the national authorities shall refuse, on grounds relating to emissions or fuel consumption, to grant EC type approval or national type approval in respect of new types of vehicle which do not comply with this Regulation and its implementing measures.*

3. With effect from *[36 months from the date of entry into force]*, and from *[48 months from the date of entry into force]* in the case of category N<sub>1</sub> class II and III, national authorities shall, in the case of new vehicles which do not comply with this Regulation and its implementing measures, consider certificates of conformity to be no longer valid for the purposes of [Article 25] of Directive [XXXX/XX/EC] and shall, on grounds relating to emissions or fuel consumption, refuse registration and prohibit the sale and entry into service of such vehicles.

*for category M vehicles with a technically permissible maximum laden mass exceeding 2 500 kg and which are designed to fulfil specific social needs, and from 1 June 2010 in the case of category N<sub>1</sub> class II and III and the category M vehicles referred to above, the national authorities shall refuse, on grounds relating to emissions or fuel consumption, to grant EC type approval or national type approval in respect of new types of vehicle which do not comply with this Regulation and its implementing measures, in particular with the Annexes with the exception of the Euro 6 limit values set out in Table 1a of Annex I.*

3. With effect from *1 June 2010, except for category M vehicles with a technically permissible maximum laden mass exceeding 2 500 kg and which are designed to fulfil specific social needs, and from 1 June 2011 in the case of category N<sub>1</sub> class II and III and the category M vehicles referred to above, national authorities shall, in the case of new vehicles which do not comply with this Regulation and its implementing measures, in particular with the Annexes with the exception of the Euro 6 limit values set out in Table 1a of Annex I, consider certificates of conformity to be no longer valid for the purposes of [Article 25] of Directive [XXXX/XX/EC] and shall, on grounds relating to emissions or fuel consumption, refuse registration and prohibit the sale and entry into service of such vehicles.*

#### *Justification*

*In the course of the preparatory discussions it became clear that further reductions in the limit values are both necessary and technically feasible. Your rapporteur is therefore proposing a further-reaching measure involving the introduction through this regulation, at the same time as the Euro 5 step, of a further Euro 6 step with lower limit values. This will serve to lay down the long-term reduction objectives which are fundamental to providing planning security for research and development in the sphere of anti-pollution vehicle systems and, hence, investment security for manufacturers as well. As under the previous Euro standard, no more than one year should elapse between type approval for new types of*

vehicle and the placing of new vehicles on the market.

Amendment 32  
Article 9, paragraph 3 a and b (new)

**3a. With effect from 1 June 2014, and from 1 June 2015 in the case of category  $N_1$  class II and III, the national authorities shall refuse, on grounds relating to emissions or fuel consumption, to grant EC type approval or national type approval in respect of new types of vehicle which do not comply with this Regulation and its implementing measures and in particular with the Annexes including the Euro 6 limit values set out in Table 1a of Annex I.**

**3b. With effect from 1 June 2015, and from 1 June 2016 in the case of category  $N_1$  class II and III, national authorities shall, in the case of new vehicles which do not comply with this Regulation and its implementing measures, and in particular with the Annexes including the Euro 6 limit values set out in Table 1a of Annex I, consider certificates of conformity to be no longer valid for the purposes of [Article 25] of Directive [XXXX/XX/EC] and shall, on grounds relating to emissions or fuel consumption, refuse registration and prohibit the sale and entry into service of such vehicles.**

*Justification*

*The first step, Euro 5, is to enter into force on 1 June 2009 and the second step, Euro 6, five years later, i.e. on 1 June 2014. As under the previous Euro standard, no more than one year should elapse between type approval for new vehicle types and the placing of new vehicles on the market.*

Amendment 33  
Article 10

1. For new *replacement catalytic*

1. For new *anti-pollution devices* intended

**converters** intended to be fitted on EC type approved vehicles which are not equipped with on-board diagnostic systems (OBD), national authorities shall refuse their sale or installation on a vehicle if they are not of a type in respect of which a type approval has been granted in compliance with this Regulation.

2. Notwithstanding paragraph 1, national authorities may continue to grant extensions to EC type approvals for **replacement catalytic converters** under the terms under which they were originally granted.

to be fitted on EC type approved vehicles which are not equipped with on-board diagnostic systems (OBD), national authorities shall refuse their sale or installation on a vehicle if they are not of a type in respect of which a type approval has been granted in compliance with this Regulation.

2. Notwithstanding paragraph 1, national authorities may continue to grant extensions to EC type approvals for **anti-pollution devices** under the terms under which they were originally granted.

### *Justification*

*In the interests of clear lawmaking, and with a view to taking account of technical progress, it is better to employ a broad term rather than incorporating separate points for catalytic converters, diesel particle filters, NOx after-treatment systems and other after-treatment systems which may be developed in the future. A term must be employed which does not serve to disadvantage any technology or to restrict innovation.*

### Amendment 34

#### Article 11, paragraph 1, subparagraphs 2 and 3

Those incentives shall be valid for all new vehicles offered for sale on the market of a Member State which comply with this Regulation and its implementing measures in advance of the dates set out in **Article 9(3)**.

They shall cease on the dates set out in **Article 9(3)**.

Those incentives shall be valid for all new vehicles offered for sale on the market of a Member State which comply with this Regulation and its implementing measures in advance of the dates set out in **Article 9**.

They shall cease on the dates set out in:

**(a) Article 9(3) with regard to incentives to comply with the emission limit values set out in Table 1 of Annex I.**

**(b) Article 9(3b) with regard to incentives to comply with the emission limit values set out in Table 1a of Annex I.**

## *Justification*

*This change is linked to the introduction of a two step approach. Incentives for vehicles complying with Euro 5 limit values should cease when the Euro 6 limit values enter into force.*

### Amendment 35 Article 13

**1. By [6 months after entry into force] the Commission shall examine the need to redefine the emission limit value of hydrocarbons set out in Annex I, to consider emissions of non-methane hydrocarbons and methane separately.**

**2. Consideration shall also be given to including methane emissions in the calculation of carbon dioxide emissions.**

**3. If necessary, the Commission *may take the following measures with regard to paragraphs 1 and 2:***

**a) amend this Regulation in accordance with Article 14 for the purpose of recalibrating the limit values for hydrocarbons set out in Annex I to this Regulation;**

**b) adopt, in accordance with Article 37(2) of Directive [XX/XXXX/EC] measures to test, account for, or limit, methane emissions.**

**4. After the completion of the UN/ECE Particulate Measurement Programme, conducted under the auspices of the World Forum for Harmonization of Vehicle Regulations, the Commission shall take the following measures:**

a) amend this Regulation in accordance with Article 14 for the purpose of recalibrating the particulate mass based limit values set out in Annex I to this

**1. The Commission shall consider including methane emissions in the calculation of carbon dioxide emissions.**

If necessary, the Commission ***shall put forward a proposal to the European Parliament and the Council with measures to test, account for, or limit, methane emissions.***

**2. After the completion of the UN/ECE Particulate Measurement Programme, conducted under the auspices of the World Forum for Harmonization of Vehicle Regulations, *and at the latest upon entry into force of Euro 6*, the Commission shall take the following measures ***without lowering the existing ambition level with regard to the environment:*****

a) amend this Regulation in accordance with Article 14 for the purpose of recalibrating the particulate mass based limit values set out in Annex I to this

Regulation, and introducing particulate number based limit values in that Annex so that they correlate broadly with the petrol and diesel mass limit values;

b) adopt, in accordance with Article 37(2) of Directive [XX/XXXX/EC] a revised measurement procedure for particulates and a particulate number limit value.

Regulation, and introducing particulate number based limit values in that Annex so that they correlate broadly with the petrol and diesel mass limit values;

b) adopt, in accordance with Article 37(2) of Directive [XX/XXXX/EC] a revised measurement procedure for particulates and a particulate number limit value.

#### *Justification*

*Linked to previous amendments, so as to try to keep a balanced approach to what should be regulated through comitology and what through codecision.*

#### Amendment 36 Article 14

The Commission may, in accordance with the procedure referred to in Article 37(2) of Directive [XX/XXXX/EC], amend this Regulation pursuant to Article [36(2), (3), (4)] of that Directive.

***When reference is made to this Article*** the Commission may, in accordance with the procedure referred to in Article 37(2) of Directive [XX/XXXX/EC], amend this Regulation pursuant to Article [36(2), (3), (4)] of that Directive.

#### Amendment 37 Article 15 a (new)

##### ***Article 15a***

##### ***Amendments to Directive 2005/55/EC***

***Directive 2005/55/EC is amended as follows:***

***(1) the title shall be replaced by the following:***

***"Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on type approval of heavy duty vehicles with respect to their emissions (Euro IV and V)";***

***(2) Article 1 shall be replaced by the***

*following:*

*"For the purposes of this Directive the following definitions shall apply:*

*(a) 'vehicle' means any motor vehicle as defined in Article 2 of Directive 70/156/EEC, with the exception of vehicles of category M<sub>1</sub>, M<sub>2</sub> and N<sub>1</sub> with a technically permissible maximum laden mass not exceeding 3 500 kg or a reference mass not exceeding 2 610 kg;*

*(b) 'engine' means the motive propulsion source of a vehicle for which type-approval as a separate technical unit, as defined in Article 3 of Directive [XXXX/XX/EC], may be granted;*

*(c) 'enhanced environment-friendly vehicle (EEV)' means a vehicle propelled by an engine which complies with the permissive emission limit values set out in row C of the tables in Section 6.2.1 of Annex I.";*

*(3) Section 1 of Annex I shall be replaced by the following:*

***"1. SCOPE***

*This Directive applies to the control of gaseous and particulate pollutants, useful life of emission control devices, conformity of in-service vehicles/engines and on-board diagnostic (OBD) systems of all motor vehicles, and to engines as specified in Article 1 with the exception of those vehicles of category M<sub>1</sub>, N<sub>1</sub>, N<sub>2</sub> and M<sub>2</sub> for which type-approval has been granted under [Regulation XXXX/XXXX/EC = this Regulation]".*

*Where further amendments are necessary to reflect the above changes, Directive 2005/55/EC and its implementing measures shall be amended in accordance with the procedure referred to in Article 37(2) of Directive [XXXX/XX/EC].*



*Justification*

*The change of the scope of Directive 2005/55/EC is linked to the change of scope of this Regulation. The idea is that the present Regulation should cover all passenger cars and light duty vehicles, while 2005/55/EC should cover all heavy duty vehicles regardless of the fuel used.*

Amendment 38  
Article 16

**Article 16**

**deleted**

**Amendments to Directive 72/306/EEC**

**In Article 1 of Directive 72/306/EEC the following paragraph is added:**

**'However, this Directive shall not apply to those vehicles referred to in Article 2 of [this Regulation].'**

*Justification*

*Linked to changes of the scope of the Regulation and of Directive 2005/55/EC.*

Amendment 39  
Article 17, paragraph 1

1. Directives 70/220/EEC, 80/1268/EEC, 89/458/EEC, 91/441/EEC, 93/59/EEC, 94/12/EC, 96/69/EC, 98/69/EC and 2004/3/EC are repealed with effect from [18 months from the date of entry into force of this Regulation].

1. Directives 70/220/EEC, **72/306/EEC**, 80/1268/EEC, 89/458/EEC, 91/441/EEC, 93/59/EEC, 94/12/EC, 96/69/EC, 98/69/EC and 2004/3/EC are repealed with effect from [18 months from the date of entry into force of this Regulation].

*Justification*

*Linked to the change of scope of Directive 2005/55/EC.*

Amendment 40  
Article 18, paragraph 2

2. This Regulation shall apply from [18 months + 1 day after entry into force], with

2. This Regulation shall apply from [18 months + 1 day after entry into force], with the exception of Articles 9(1) and 11 **which**

the exception of Articles 9(1) and 11.

*shall apply from [date of entry into force of this Regulation].*

*Justification*

*Clarification.*

Amendment 41  
Article 18, paragraph 3

***3. If the adoption of the amendments or implementing measures referred to in Article 5(6) and Article 13(1) and (3) is delayed beyond [6 months after the date of entry into force of this Regulation], the dates mentioned in paragraphs 2 and 3 of Article 9 shall be replaced by the dates mentioned in the amendments or implementing measures.*** *deleted*

Amendment 42  
Annex I, Table 1

Text proposed by the Commission

**Table 1: Euro 5 Emission Limits**

		Reference mass (RM) (kg)	Limit values											
			Mass of carbon monoxide (CO)		Mass of hydrocarbons (HC)		Mass of oxides of nitrogen (NO <sub>x</sub> )		Combined mass of hydrocarbons and oxides of nitrogen (HC + NO <sub>x</sub> )		Mass of particulates (PM)		Number of particulates <sup>(1)</sup> (PM)	
			L <sub>1</sub> (mg/km)		L <sub>2</sub> (mg/km)		L <sub>3</sub> (mg/km)		L <sub>2</sub> + L <sub>3</sub> (mg/km)		L <sub>4</sub> (mg/km)		L <sub>5</sub> (#/km)	
Category	Class		PI	CI	PI	CI	PI	CI	PI	CI	PI <sup>(2)</sup>	CI	PI	CI
M	—	All	1000	500	<b>75</b>	—	60	<b>200</b>	—	<b>250</b>	5.0	5.0		
N <sub>1</sub>	I	RM ≤ 1305	1000	500	<b>75</b>	—	60	<b>200</b>	—	<b>250</b>	5.0	5.0		
	II	1305 < RM ≤ 1760	1810	630	<b>100</b>	—	75	<b>260</b>	—	<b>320</b>	5.0	5.0		
	III	1760 < RM	2270	740	<b>120</b>	—	82	<b>310</b>	—	<b>380</b>	5.0	5.0		

Key: PI = Positive Ignition, CI = Compression Ignition

(1) A number standard is to be defined *at a later stage*.

(2) Positive ignition particulate mass standards apply only to vehicles with direct injection engines that operate either partially or wholly in lean burn mode.

Amendment by Parliament

**Table 1: Euro 5 Emission Limits**

		Reference mass (RM) (kg)	Limit values													
			Mass of carbon monoxide (CO)		Mass of <i>total</i> hydrocarbons ( <i>THC</i> )		<i>Mass of non-methane hydrocarbons (NMHC)</i>		Mass of oxides of nitrogen (NO <sub>x</sub> )		Combined mass of <i>total</i> hydrocarbons and oxides of nitrogen ( <i>THC</i> + NO <sub>x</sub> )		Mass of particulates (PM)		Number of particulates <sup>(1)</sup> (PM)	
			L <sub>1</sub> (mg/km)		L <sub>2</sub> (mg/km)		L <sub>3</sub> (mg/km)		L <sub>4</sub> (mg/km)		L <sub>2</sub> + L <sub>4</sub> (mg/km)		L <sub>5</sub> (mg/km)		L <sub>6</sub> (#/km)	
Category	Class		PI	CI	PI	CI	<i>PI</i>	<i>CI</i>	PI	CI	PI	CI	PI <sup>(2)</sup>	CI	PI	CI
M <sup>(3)</sup>	—	All	1000	500	<b>100</b>	—	<b>68</b>	—	60	180	—	<b>230</b>	5.0	5.0		
N <sub>1</sub> <sup>(4)</sup>	I	RM ≤ 1305	1000	500	<b>100</b>	—	<b>68</b>	—	60	180	—	<b>230</b>	5.0	5.0		
	II	1305 < RM ≤ 1760	1810	630	<b>130</b>	—	<b>90</b>	—	75	240	—	<b>300</b>	5.0	5.0		
	III	1760 < RM	2270	740	<b>160</b>	—	<b>108</b>	—	82	290	—	<b>360</b>	5.0	5.0		

Key: PI = Positive Ignition, CI = Compression Ignition

(1) A number standard is to be defined *as soon as possible and at the latest upon entry into force of Euro 6*.

(2) Positive ignition particulate mass standards apply only to vehicles with direct injection engines that operate either partially or wholly in lean burn mode.

(3) *Except vehicles with a technically permissible maximum laden mass of over 2 500 kg and which are designed to fulfil specific social needs.*

(4) *Including vehicles referred to in footnote (3).*

*Justification*

*See explanatory statement.*

Amendment 43  
Annex I, Table 1 a (new)

Amendment by Parliament

**Table 1a: Euro 6 Emission Limits**

		Reference mass (RM) (kg)	Limit values													
			Mass of carbon monoxide (CO)		Mass of total hydrocarbons (THC)		Mass of non-methane hydrocarbons (NMHC)		Mass of oxides of nitrogen (NOx)		Combined mass of hydrocarbons and oxides of nitrogen (HC + NO <sub>x</sub> )		Mass of particulates (PM)		Number of particulates <sup>(1)</sup> (PM)	
			L <sub>1</sub> (mg/km)		L <sub>2</sub> (mg/km)		L <sub>3</sub> (mg/km)		L <sub>4</sub> (mg/km)		L <sub>2</sub> + L <sub>4</sub> (mg/km)		L <sub>5</sub> (mg/km)		L <sub>6</sub> (#/km)	
Category	Class		PI	CI	PI	CI	PI	CI	PI	CI	PI	CI	PI <sup>(2)</sup>	CI	PI	CI
M	—	All	1000	500	100	—	68	—	60	75	—	125	5.0	5.0		
N <sub>I</sub>	I	RM ≤ 1305	1000	500	100	—	68	—	60	75	—	125	5.0	5.0		
	II	1305 < RM ≤ 1760	1810	630	130	—	90	—	75	100	—	160	5.0	5.0		
	III	1760 < RM	2270	740	160	—	108	—	82	120	—	190	5.0	5.0		

Key: PI = Positive Ignition, CI = Compression Ignition

(1) A number standard is to be defined at this stage.

(2) Positive ignition particulate mass standards apply only to vehicles with direct injection engines that operate either partially or wholly in lean burn mode.

*Justification*

See explanatory statement.

## EXPLANATORY STATEMENT

### Introduction

The burning of fuels such as petrol, diesel and gas, which are derived from fossil energy sources such as crude oil and natural gas, releases emissions which are damaging to human health and to flora and fauna and which contribute to atmospheric warming.

Clean cars can do much to ensure better air quality in Europe. One of the key factors is the average age of the cars using Europe's roads: if the average age falls, the proportion of cars emitting lower volumes of pollutants damaging to both the environment and health increases.

### The Commission proposal

On the basis of the 6th EAP and the resulting Clean Air For Europe programme, in September 2005 the Commission put forward a proposal for a Thematic Strategy on air pollution. The Commission proposal for a Euro 5 regulation, presented on 21 December 2005, is one of the measures intended to help the Union achieve its objective of clean air.

The Commission proposal provides for the introduction of harmonised technical requirements for light vehicles with a view to guaranteeing the proper functioning of the internal market and, at the same time, a high level of environmental protection. Limit values are laid down for emissions of damaging substances such as carbon monoxide (CO), hydrocarbons (HC), nitrogen oxides (NO<sub>x</sub>) and particulate matter (PM). With a view to achieving the objective of a properly functioning internal market combined with a high level of environmental protection, the Commission proposal also provides for measures guaranteeing access to vehicle repair information.

In the interests of better lawmaking, the next Euro standard will take the form of a regulation which consolidates and repeals all the preceding relevant legislative texts (Directive 70/220/EEC and the many amendments thereto). In keeping with the two-level concept, alongside the proposal for a regulation under consideration here ('political regulation') a 'technical regulation' will be drawn up which lays down technical specifications consistent with the basic requirements to be met.

### Assessment

- The scope of the Commission proposal reflects the various engine technologies. With a view to making the text clearer and simpler, your rapporteur is proposing vehicle categories as the basis for future measures. In addition, the amendment of Directive 2005/55/EC makes clear the differences in the legislative approaches to light- and heavy-duty vehicles respectively.
- Your rapporteur regrets the lack of ambition displayed by the Commission proposal. In the course of the preparatory discussions it became clear that further reductions in the limit values are both necessary and technically feasible. Your rapporteur is

therefore proposing a further-reaching measure involving the introduction through this regulation, at the same time as the Euro 5 step, of a further Euro 6 step with lower limit values. This will serve to lay down long-term objectives for emissions reductions fundamental to providing the planning security needed for research and development in the area of anti-pollution vehicle systems and, by extension, the investment security also needed by manufacturers.

The first step, Euro 5, would come into force on 1 June 2009 and the second step, Euro 6, five years later, i.e. on 1 June 2014.

- There is general agreement that the limit values for nitrogen oxides laid down in the Commission proposal are not sufficiently ambitious. Nitrogen oxides cause phenomena such as acid rain, eutrophication and ozone build-ups near ground level, phenomena which are life-threatening to human beings (irritation of and damage to respiratory organs) and are also responsible for the serious pollution of woodlands and agricultural land. For that reason, your rapporteur is proposing, the Euro 5 step for vehicles with compression ignition engines, a further reduction of 10% by comparison with the Commission proposal, i.e. 180 mg/km. Any further reduction would be unrealistic, since it would entail the introduction of NOx after-treatment systems, which are still being tested for light-duty vehicles and represent a niche market. Your rapporteur is therefore suggesting for the second step, Euro 6, a further reduction of some 60% in the NOx limit values for diesel engines, i.e. a limit value of 75 mg/km. In the case of positive ignition engines, the limit values laid down in the Commission proposal, involving a 25% reduction by comparison with the Euro 4 step, would be retained. Any further reduction would be counter-productive in the light of the development of direct-injection engines.
- The problem of fine particulates should not be lost in the discussion on nitrogen oxides. This form of pollution is particularly noticeable in cities and a further reduction in the limit values is essential.
- Your rapporteur endorses the limit values laid down in the Commission proposal for the Euro 5 step, i.e. an 80% reduction in the mass of particulate emissions, giving a limit value of 5 mg/km. These limit values can be met only if a particle filter is introduced. However, with a view also to future restrictions on emissions of ultra-fine particles, which are particularly damaging to health, in addition to the provisions restricting the mass of particulate emissions your rapporteur is calling for the introduction, as soon as possible and at the latest when the Euro 6 step comes into force, of limit values and a measurement procedure for the number of particulates emitted. This should be feasible on the basis of the work and discussions currently under way as part of the UN/ECE research programme.
- CNG-powered vehicles cause much less pollution than vehicles powered solely by diesel or petrol. CNG-powered vehicles have no problems with particulate emissions and they emit far lower volumes of nitrogen oxides than vehicles powered by traditional fuels. In order to ensure that vehicles of this type are not forced off the market because they cannot comply with the limit values for hydrocarbons proposed by the Commission, your rapporteur is proposing the retention of the Euro 4 standard for total hydrocarbons and the incorporation, in the tables in the annex, of an additional column

for non-methane hydrocarbons (NMHC), so that an ambitious hydrocarbon limit value is retained for petrol-powered cars.

- The Euro 3 and 4 steps incorporate a provision stipulating that category M vehicles over 2500 kg can be type approved as category N<sub>1</sub> group II and III vehicles. This derogation is no longer necessary for all cars with a total mass in excess of 2500 kg. With a view to ensuring a smooth transition, your rapporteur is proposing that this derogation should be retained under the Euro 5 step for vehicles designed to fulfil specific social needs, e.g. rescue, emergency or recovery vehicles, vehicles used to transport disabled persons, vehicles used to provide public services and non-off-road family vehicles designed for more than six occupants in addition to the driver.
- Your rapporteur endorses the possibility, still available under the Commission proposal, for Member States to introduce financial incentives to encourage the early introduction of clean vehicles.
- Your rapporteur takes the view that the durability target for anti-pollution devices given in the Commission proposal (160 000 km) is not sufficiently ambitious. He is proposing a higher target of 200 000 km, one closer to the standard applicable on the American market and more consistent with the actual life of vehicles.
- With reference to the discussion concerning Chapter III, which deals with access to vehicle repair information, your rapporteur endorses the Commission proposal and emphasises that independent operators must enjoy the same access as authorised dealers and repair shops to vehicle repair and OBD-related information, on the basis of the OASIS standard. Maintenance and repairs are fundamental to the reliability and proper operation of vehicles. If independent operators can also easily carry out repairs, access to regular maintenance is simplified. Regular maintenance makes for the safe and environmentally-friendly operation of vehicles and must therefore be encouraged.