

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0221/2002

11 June 2002

*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and Council directive amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery
(5198/1/2002 – C5-0150/2002 – 2000/0336(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Bernd Lange

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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PROCEDURAL PAGE

At the sitting of 2 October 2001 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (COM(2000) 840 - 2000/0336 (COD)).

At the sitting of 10 April 2002 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (5198/1/2002 - C5-0150/2002).

The committee had appointed Bernd Lange rapporteur at its meeting of 24 January 2001.

It considered the common position and draft recommendation for second reading at its meetings of 22 May and 4 June 2002.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Caroline F. Jackson, chairman; Alexander de Roo and Anneli Hulthén vice-chairmen; Bernd Lange, rapporteur; Per-Arne Arvidsson, María del Pilar Ayuso González, David Robert Bowie, John Bowis, Dorette Corbey, Véronique De Keyser (for María Sornosa Martínez), Jillian Evans (for Marie Anne Isler Béguin), Anne Ferreira, Marialiese Flemming, Karl-Heinz Florenz, Robert Goodwill, Cristina Gutiérrez Cortines, Jutta D. Haug (for Catherine Stihler), Karin Jöns (for Guido Sacconi), Christa Klauf, Eija-Riitta Anneli Korhola, Hans Kronberger, Peter Liese, Torben Lund, Minerva Melpomeni Malliori, Jorge Moreira da Silva, Emilia Franziska Müller, Rosemarie Müller, Riitta Myller, Ria G.H.C. Oomen-Ruijten, Neil Parish, Béatrice Patrie, Didier Rod (for Patricia McKenna), Dagmar Roth-Behrendt, Karin Scheele, Inger Schörling, Jonas Sjöstedt, Marianne L.P. Thyssen, Antonios Trakatellis, Elena Valenciano Martínez-Orozco, Kathleen Van Brempt, Phillip Whitehead.

The recommendation for second reading was tabled on 11 June 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (5198/1/2002 – C5-0150/2002 – 2000/0336(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (5198/1/2002 – C5-0150/2002),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 840²),
 - having regard to the Commission's amended proposal (COM(2001) 626³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0221/2002),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ Minutes of 2.10.2001.

² OJ C 180, 26.6.2001, p. 31.

³ OJ C 51, 26.10.2001, p. 322.

Amendment 1

ARTICLE 1, PARAGRAPH 5

Article 9a, paragraph 5a (new) (Directive 97/68/EC)

5 a. LABELLING OF EARLY COMPLIANCE WITH STAGE II

For engine types or engine families meeting the limit values set out in the table in Annex I 4.2.2.2 before the dates set out in point 4, TYPE APPROVALS STAGE II, Member States shall allow special labelling and marking to show the equipment concerned meets the required limit values before the dates laid down.

Justification

If the Stage II values are achieved ahead of time, manufacturers should be able to indicate this on their products and also use it in advertising. Special labelling will alert consumers to this fact before they make their purchasing decisions. Labelling and advertising may enable products with particularly low emission levels to be put on to the market ahead of the deadline. This amendment partly reinstates amendment 22 from first reading.

Amendment 2

ARTICLE 1, PARAGRAPH 5

Article 9a, paragraph 5a, points 1-3 (new) (Directive 97/68/EC)

(1) The following engines shall be exempted from the implementation dates of Stage II emission limit requirements. For them, Stage I dates shall continue to apply:

- handheld chainsaw, which shall mean a handheld device designed to cut wood with a saw chain, designed to be supported with two hands and having an engine capacity in excess of 45cc, according to EN ISO 11681-1;

- top handle machine (i.e., handheld drills and tree service chainsaws), which shall mean a handheld device with the handle on top of the machine designed to drill holes or to cut wood with a saw chain (according to ISO 11681-2); and

- handheld brush cutter with an internal combustion engine, which shall mean a handheld device with a rotating blade made of metal or plastic intended to cut weeds, brush, small trees and similar vegetation. It must be designed according to EN ISO 11806 to operate multi-positionally, such as horizontally or upside down, and have an engine capacity in excess of 40 cc.

The Commission shall review these provisions at the latest until 1 January 2005 and check until when these exemptions from the implementation dates of Stage II emission limit requirements shall be valid. The Commission shall make a report to the European Parliament and the Council and if appropriate submit proposals.

(2) The following engines shall be exempted from the implementation dates of Stage II emission limit requirements for a period of 3 years from the entry into force of the Stage II emission limit requirements. For those 3 years, the Stage I emission limit requirements shall continue to apply:

- handheld hedge trimmer, which shall mean a handheld device designed for trimming hedges and bushes by means of one or more reciprocating cutter blades, according to EN 774;

- handheld power cutters with an internal combustion engine, which shall mean a handheld device intended for cutting hard materials such as stone, asphalt, concrete or steel by means of a rotating metal blade with a displacement in excess of 50 cm³, according to EN 1454;

- Non-handheld, horizontal shaft Class SN:3 engines, which shall mean only those Class SN:3 non-handheld engines with a horizontal shaft that produce power equal to or less than 2.5 kW and are used mainly for select, industrial purposes, including tillers, reel cutters, lawn aerators and generators.

(3) In addition, the Commission shall study possible technical difficulties in complying with the Stage II requirements for certain other uses or engines. If the Commission studies conclude that, for technical reasons, certain additional machinery can also not meet these deadlines, it shall submit, by 31 December 2003, a report accompanied by appropriate proposals for derogations, not exceeding five years, for such machinery, under the procedure laid down in Article 15.

Justification

Following the first reading by the European Parliament, there was very intensive debate over which engines required derogations from the general rules. In the meantime, it has become clear that some groups of products cannot comply, or at least not immediately, with the Stage II requirements for technical reasons. The conditions governing derogations may therefore be defined as of now so that a basis is already in place and can be adjusted accordingly to take account of future developments. A total of some 14% of the products sold per year are covered by the derogations exempting unusual special devices from Stage II. This amendment is a logical combination of the two corresponding amendments from first reading (29 and 30/rev.).

Amendment 3

ANNEX, POINT 1 (b)

Annex I, paragraph 1 A (ii) (Directive 97/68/EC)

ii) a C.I. engine having a net power in accordance with section 2.4 that is higher than 18 kW but not more than 560 kW and that is operated under constant speed.

ii) a C.I. engine having a net power in accordance with section 2.4 that is higher than 18 kW but not more than 560 kW and that is operated under constant speed.

Limits only apply from 31 December 2006.

Machinery, the engines of which are covered under this definition, includes but is not limited to:

- gas compressors,
- generating sets with intermittent load including refrigerating units and welding sets, ***applies only from 31 December 2006,***
- ***irrigation*** pumps,
- turf care, chippers, snow removal equipment, sweepers;

Machinery, the engines of which are covered under this definition, includes but is not limited to:

- gas compressors,
- generating sets with intermittent load including refrigerating units and welding sets,
- ***water*** pumps,
- turf care, chippers, snow removal equipment, sweepers;

Justification

To include a lead time for constant speed engines.

EXPLANATORY STATEMENT

To improve air quality it is important that the scope of the current directive on emissions from combustion engines in mobile machines and devices be extended to small spark-ignition engines. Small mobile machines already in use, such as lawnmowers, hedge trimmers, chain saws, etc., can make significant contributions to the production of ozone precursors under certain conditions, particularly during the summer months. So far, technical progress has bypassed the subject of cleaning emissions from small mobile machines with the result that, at the present time, a modern car discharges a considerably lower volume of emissions into the air than a lawnmower .

There is therefore a need for action. Permissible emission values are to be significantly reduced in two stages. The rapporteur welcomes the fact that the Council has taken over almost all of Parliament's amendments from first reading.

Two points which the Council has not yet taken into account in its common position, but which it might possibly perhaps accept without recourse to the conciliation procedure, are re-introduced here in slightly modified form.

Firstly, manufacturers should be given the opportunity to indicate for advertising purposes that their product has complied with the Stage II values ahead of time. At the same time, this would alert consumers to the availability of such products when making their purchasing decisions and bring particularly clean appliances on to the market more quickly by virtue of competition.

Secondly, specific conditions for derogations from Stage II could be defined as of now since it is clear which groups of products cannot, or cannot immediately, comply with the requirements for technical reasons. Further developments could then be taken into account accordingly on the basis of established specifications. Special devices not designed for daily use and exempt from Stage II account for a total of some 14% of the mobile machines and appliances using combustion engines sold each year in the EU.

Both amendments are based on amendments from first reading.