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## **\*\*\*I** **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 the opinion of the Committee on Legal Affairs on the proposed legal basis,
  - having regard to Rules 51 and 35 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 the Internal Market and Consumer Protection, the Committee on Transport and Tourism and the Committee on Industry, Research and Energy (A6-0301/2006),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to introduce proposals in a revised framework Directive on type approval to guarantee access to detailed vehicle repair information in order to stimulate competition within the vehicle repair industry. Further, calls on the Commission to bring forward any necessary proposals to avoid duplication or double regulation between this Regulation, Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector<sup>2</sup> and the draft Directive on the approval of motor vehicles and their trailers.
  3. 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;
  4. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

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Amendments by Parliament

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

<sup>2</sup> OJ L 203, 1.8.2002, p. 30.

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 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. The Euro 5 standard is one of the measures designed to reduce emissions of ozone precursors such as nitrogen oxides, hydrocarbons and particulate matter.***

*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. The connection between Euro 5 and the objectives of the thematic strategy should be more clearly highlighted. If air quality is to be improved, further emission-related measures must be taken in addition to Euro 5 to combat pollutant emissions at source.*

Amendment 2  
RECITAL 4 A (new)

***(4a) Achieving EU air quality objectives requires a continuing effort to reduce vehicle emissions. For that reason, industry should be provided with clear information on the future revision of this Regulation. The Commission should therefore present***

*as soon as possible a proposal for its revision containing a new set of emission limits.*

Amendment 3  
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, as well as the implications for the overall CO<sub>2</sub> emission balance.*

*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. CO<sub>2</sub> emissions have to be taken into account when setting emission standards. It is a known fact, and has been recognised in the air quality legislation, that reducing given emissions may increase CO<sub>2</sub> emissions.*

Amendment 4  
RECITAL 5 A (new)

*(5a) A further future reduction in nitrogen oxide emissions from diesel vehicles is necessary to improve air quality and comply with limit values for pollution. This requires reaching ambitious limit values without being obliged to forego the advantages of diesel engines in terms of consumption and hydrocarbon and carbon monoxide emissions. Setting a further step for reducing nitrogen oxide at an early stage will provide long-term, Europe-wide planning security for vehicle*



*manufacturers.*

*Justification*

*A second step for reducing NOx emissions from diesel vehicles should be set now. This will allow the targeted development of emission-reducing technologies which will dovetail with and further support existing environmentally-friendly techniques.*

Amendment 5

RECITAL 6

(6) Unrestricted ***and standardised*** access to vehicle repair information and effective competition on the market for vehicle repair and information services are necessary to ***facilitate the free circulation of vehicles on the internal market***. A great proportion of such information is related to on-board diagnostic systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that manufacturers' websites shall follow.

(6) Unrestricted access to vehicle repair information, ***via a standardised search function which can be used to retrieve the technical information***, and effective competition on the market for vehicle repair and information services are necessary to ***improve the functioning of the internal market, particularly as regards the free movement of goods, the freedom of establishment and the freedom to provide services***. A great proportion of such information is related to on-board diagnostic systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that manufacturers' websites shall follow, ***along with targeted measures to ensure reasonable access for small and medium-sized enterprises (SMEs). Common standards agreed with the involvement of stakeholders, such as the OASIS standard, can facilitate the exchange of information between manufacturers and service providers.***

*Justification*

*Strengthening the reasoning for chapter 3 in the proposed Regulation. Access on reasonable terms to vehicle repair information for the vast amount of small and medium-sized enterprises*

*in the sector is vital as they cannot afford the highly specialised tools and dedicated information services available to a distributor.*

Amendment 6  
RECITAL 6 A (new)

***(6a) Access to all vehicle repair information should be governed in the same way as it is in this Regulation by provisions contained in Directive [XXXX/XX/EC]. When the provisions governing access to all vehicle information are incorporated into Directive [XXXX/XX/EC], the corresponding provisions in this Regulation should be repealed.***

Amendment 7  
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 8  
RECITAL 7 A (new)

***(7a) The Commission should closely monitor technological developments in emission control and envisage further improvements in emission reduction policy, adapting this Regulation where necessary. This analysis should focus in particular on reducing nitrogen oxide emissions. Because of the links between measures to reduce emissions of gaseous pollutants on the one hand and carbon dioxide emissions on the other, any Commission proposal***

*should be drawn up in conjunction with the rules on the reduction of carbon dioxide emissions from new private cars. These rules should be drawn up on the basis of a European average carbon dioxide emission standard based on Decision No 1753/2000/EC of the European Parliament and of the Council of 22 June 2000 establishing a scheme to monitor the average specific emissions of CO<sub>2</sub> from new passenger cars<sup>1</sup> and applying to all motor manufacturers. Any proposals will be based on an extended impact assessment and on consultation of the parties concerned. In order to improve the predictability of future regulation in this field, the Commission should present a legislative programme of targets for emission standards. This legislative programme should be based on an extended consultation of all the parties concerned and a thorough impact assessment, including the state of implementation in all Member States, taking into account possible technological developments, as well as cost and efficiency considerations.*

<sup>1</sup> OJ L 202, §10.8.2000, p. 1.

#### *Justification*

*To strike a balance between the need for a predictable long-term legal framework for the motor industry and the need for effective measures, provision should be made for a review of emission limits, particularly NOX limits for diesel vehicles, on the basis of an extended impact assessment. For the car industry, with its long term investment and activities planning, better predictability on future regulations is key. The industry needs time in order to make efficient investments in development and in manufacturing. In order to avoid too much red tape, the Commission should base this legislative programme on an impact assessment and consultation with all parties.*

#### Amendment 9

##### RECITAL 8

(8) The Commission should keep under review, **and where necessary regulate**, emissions which are as yet unregulated and

(8) The Commission should keep under review emissions which are as yet unregulated and which arise as a

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>).***

consequence of the wider use of new fuel formulations, engine technologies and exhaust emission control systems ***and, where necessary, submit a proposal to the European Parliament and to the Council with a view to regulating such emissions.***

*Justification*

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

Amendment 10  
RECITAL 8 A (new)

***(8a) In order not to force gas-powered cars, which represent a step forward by virtue of their low nitrogen oxide 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 11  
RECITAL 8 B (new)

***(8b) Efforts to implement stricter emission limits, including carbon dioxide emission reductions and limits relating to the actual performance of vehicles when in use, should be continued.***

*Justification*

*For achieving the Kyoto Protocol targets and reducing local pollution, further efforts for stricter emissions' limits are necessary.*

Amendment 12  
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 13  
RECITAL 10

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

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

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.

**procedure** replacing the current **one**. 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 14 RECITAL 13 A (new)

***(13a) With a view to achieving results consistent with a clean environment, the Commission should consider introducing in the motor vehicle sector, in addition to emission 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 15 RECITAL 13 B (new)

***(13b) Before drawing up its proposal for the next emission standard (Euro 7), the Commission should set up studies designed to determine whether the further subdivision of vehicle categories into groups is still necessary and whether mass neutral emission limits can be applied.***

*Justification*

*Simplification. Mass-related criteria may no longer be necessary if NO<sub>x</sub> after-treatment systems are available for all vehicle types.*

Amendment 16  
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 17  
RECITAL 17 A (new)

***(17a) In order to ensure a smooth transition from the existing Directives to this 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 18  
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 19  
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

(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***



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.

**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 20 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 21 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>b</sub>, M<sub>2</sub> and N<sub>1</sub> vehicles may be extended to category M<sub>b</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 22 ARTICLE 3, POINT 1 A(new)

***(1a) "vehicle fuelled by LPG or NG" means a vehicle fitted with specific equipment for the use of LPG or NG in its propulsion system. Such an LPG or NG vehicle can be designed and constructed as a mono-fuel vehicle, designed primarily for permanent running on LPG or NG, but may also have a petrol system for emergency purposes or starting only, where the petrol tank does not contain more than 15 litres of petrol, or a bi-fuel vehicle that can run part-time on petrol and also part-time on either LPG or NG;***

## Justification

*In the Green Paper 'Towards a European strategy for the security of energy supply', adopted on 29 November 2000, the Commission set up a target of 20 % substitution of conventional fuels by alternative fuels in the road transport sector by the year 2020. This Regulation should explicitly address vehicles using LPG and CNG.*

### Amendment 23

ARTICLE 3, POINTS 1 B, 1 C and 1 D (new)

***(1b) "vehicles designed to fulfil specific social needs" means special purpose vehicles as defined in the framework type-approval directive [XXXX/XX/EC] in category M<sub>b</sub>, with a reference mass exceeding 2 000 kg, diesel vehicles fulfilling specific social needs and diesel family vehicles;***

***(1c) "diesel vehicles fulfilling specific social needs" means vehicles in category M<sub>b</sub>, with a reference mass exceeding 2 000 kg which also fulfil the requirements for M<sub>1</sub>G and also vehicles which are used for commercial purposes and built specifically to accommodate wheelchair use. For the purpose of this Regulation these vehicles will be considered as N<sub>1</sub> vehicles;***

***(1d) "diesel family vehicles" means vehicles in category M<sub>1</sub> designed for 7 or more seats, including the driver's seat, excluding off-road vehicles as defined by the framework type-approval directive [XXXX/XX/EC]. For the purpose of this Regulation these vehicles will be considered as N<sub>1</sub> vehicles.***

### Amendment 24

ARTICLE 3, POINT 11

(11) "original equipment ***catalytic converter***" means ***a catalytic converter*** or

(11) "original equipment ***anti-pollution device***" means ***an anti-pollution device*** or

an assembly of **catalytic converters** covered by the type approval delivered for the vehicle;

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 25  
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 26  
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, re-initialising **or retrofitting** of the vehicle and which the manufacturers provide for their authorised dealers/repair shops, including all subsequent amendments and supplements to such information.

*Justification*

*The “retrofitting” operations have a strict connection with emission-related components and environmental performance of cars, and should be included in the scope of this Regulation.*

Amendment 27  
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 training for repairers.

(14) “independent operator” means undertakings other than authorised dealers and repair shops which are directly or indirectly involved in the repair and maintenance **or retrofitting** 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 operators offering training for repairers.

*Justification*

*The “retrofitting” operations have a strict connection with emission-related components and environmental performance of cars, and should be included in the scope of this Regulation.*

Amendment 28  
ARTICLE 4, PARAGRAPH 1, SUBPARAGRAPH 1

1. Manufacturers shall ensure that all vehicles brought forward for type approval to be sold, registered or put into service in the Community comply with this Regulation and its implementing measures.

1. Manufacturers shall ensure that all vehicles **and replacement parts** brought forward for type approval to be sold, registered or put into service in the Community comply with this Regulation and its implementing measures.

Amendment 29  
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. The technical measures taken by the manufacturer must be such as to ensure that the tailpipe and evaporative emissions are effectively limited, pursuant to this Regulation, throughout the normal life of the vehicles under normal conditions of use. Therefore,** 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. **To comply with this the manufacturers should have the possibility to make use of test bench ageing, subject to the implementing conditions laid down in accordance with the procedure referred to in Article 37(2) of Directive (XXXX/XX/EC).**

Amendment 30

ARTICLE 4, PARAGRAPH 2, SUBPARAGRAPH 1 A (new)

***In-use compliance shall be checked in accordance with the requirements of Annex I as they apply for the actual vehicle model at type approval, in particular for tailpipe emissions as tested against emission limits in Table 1, for evaporative emissions as tested against emission limits in Table 2 and for the low ambient temperature test as tested against emission limits in Table 3.***

*Justification*

*In addition to tail pipe emissions, also the limit values for evaporative emissions and low ambient temperature emissions should be met after extensive use of the vehicles (in-use compliance).*

Amendment 31

ARTICLE 5, PARAGRAPH 1

**1. The manufacturer shall equip vehicles so that the components likely to affect emissions are designed, constructed and assembled so as to enable the vehicle, in normal use, to comply with this Regulation**

**deleted**

**and its implementing measures.**

*Justification*

*The durability requirements are already defined by Article 4.*

Amendment 32  
ARTICLE 5, PARAGRAPH 4, POINT (F A) (new)

***(fa) vehicles fuelled by LPG or NG;***

Amendment 33  
ARTICLE 5, PARAGRAPH 4, POINT (I)

i) reference fuels, such as petrol, diesel, gaseous fuels and biofuels.

i) reference fuels, such as petrol, diesel, gaseous fuels and biofuels, ***such as ethanol, biogas and fatty and acid methyl ester (FAME).***

*Justification*

*Inclusion of biofuelled vehicles is very important, as their market is expected to grow in next years in Europe and their capacity to reduce CO2 emissions is approximately 60/80% higher compared to a petrol vehicle. For these reasons we have to include in the compliance with Euro 5 and Euro 6 limit values so that they won't be considered environmental disadvantageous from an environmental and preserving health point of view.*

Amendment 34  
ARTICLE 5, PARAGRAPH 4, POINT (I A) (new)

***ia) replacement anti-pollution devices.***

Amendment 35  
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***

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***

*necessary measures* if it finds that the procedures or tests are no longer adequate *or do* no longer reflect real world emissions.

*any changes required to the European Parliament and to the Council* 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 36  
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 Commission shall ensure that the complementary regulation laying down implementing measures is published and made available at the same time as this Regulation. However, the emission limit values measured in accordance with the new worldwide test cycle shall be adopted by the European Parliament and the Council on the basis of a Commission report.***

*Justification*

*Manufacturers need to know the details of the implementing measures so as to be able to make final engineering adjustments to emission treatment systems. This is the only way of ensuring compliance with the requirements set out in the regulation. Given that comitology is not suitable, a codecision procedure should be used for the establishment of these values.*



Amendment 37  
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 access to vehicle repair information to independent operators through websites **via a standardised search function** 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 format<sup>1</sup>. Manufacturers shall also make training material available to independent operators and authorised dealers and repair shops.***

<sup>1</sup> The 'OASIS format' refers to the technical specifications of OASIS Document SC2-D5, Format of Automotive Repair Information, version 1.0, 28 May 2003 (available at: <http://www.oasis-open.org/committees/download.php/2412/Draft%20Committee%20Specification.pdf>) and of Sections 3.2, 3.5, 3.6, 3.7 and 3.8 of OASIS Document SC1-D2, Autorepair Requirements Specification, version 6.1, dated 10-01-2003 (available at: <http://lists.oasis-open.org/archives/autorepair/200302/pdf00005.pdf>), using only open text and graphic formats.

*Justification*

*The OASIS format, 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 38  
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 39  
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 40  
ARTICLE 6, PARAGRAPH 5 A (new)

***5a. For the purposes of the designing and manufacturing of automotive LPG or CNG equipment, manufacturers shall provide vehicle repair information on a non-discriminatory basis to any interested LPG or CNG equipment installer, manufacturer and/or repairer.***

Amendment 41  
ARTICLE 6, PARAGRAPH 6, SUBPARAGRAPH 2

In the event that such information is not yet available or does not yet conform to this Regulation and its implementing measures at that point in time, the manufacturer shall provide it within six months from the date of approval. If such proof of compliance is not provided within that period, the approval authority shall take appropriate measures to ensure compliance, ***including***

In the event that such information is not yet available or does not yet conform to this Regulation and its implementing measures at that point in time, the manufacturer shall provide it within six months from the date of approval. If such proof of compliance is not provided within that period, the approval authority shall take appropriate measures to ensure compliance.

*withdrawal of type approval.*

Amendment 42  
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] **and taking into account the provisions of Article 8 of Decision 1999/468/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, **with special attention being paid to the specific needs of small and medium-sized enterprises (SMEs).**

*Justification*

*See justification for the amendment to Article 6(5). The amendment proposed would enable Parliament to have its say if the implementing measures were to involve substantive changes on which Parliament ought to be consulted. Access on reasonable terms to vehicle repair information for the vast amount of small and medium-sized enterprises in the sector is vital as they cannot afford the highly specialised tools and dedicated information services available to a distributor.*

Amendment 43  
ARTICLE 8 A (new)

*Article 8a*

***Not later than ...\*, the Commission shall present to the European Parliament and to the Council a report on the operation of the system of access to vehicle repair information, with particular consideration being given to the effect on competition and the operation of the internal market. The report shall consider whether it would be appropriate to consolidate all provisions governing access to vehicle repair information within a revised framework Directive on type***

*approval.*

*\*Three years after the date of entry into force of this Regulation.*

Amendment 44  
ARTICLE 9, PARAGRAPH 1

1. With effect from [date of entry into force], if a manufacturer so requests, the national authorities may not, on grounds relating to emissions or fuel consumption of motor vehicles, refuse to grant EC type approval or national type approval for a new type of vehicle, or prohibit the registration, sale or entry into service of a new vehicle, where the vehicle concerned complies with this Regulation and its implementing measures.

1. With effect from [date of entry into force ***of this Regulation and the implementing measures***], if a manufacturer so requests, the national authorities may not, on grounds relating to emissions or fuel consumption of motor vehicles, refuse to grant EC type approval or national type approval for a new type of vehicle, or prohibit the registration, sale or entry into service of a new vehicle, where the vehicle concerned complies with this Regulation and its implementing measures.

*Justification*

*To ensure that this text is introduced in an effective manner, the Regulation must be applied after additional technical measures have been adopted, which will guide the development of suitable technological solutions.*

Amendment 45  
ARTICLE 9, PARAGRAPHS 2 AND 3

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

2. With effect from ***1 September 2009, 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 September 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

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.

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 January 2011, 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 January 2012* 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.

#### Amendment 46

#### ARTICLE 9, PARAGRAPHS 3 A AND 3 B (new)

*3a. With effect from 1 September 2014, and from 1 September 2015 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 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 September 2015, and from 1 September 2016 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, 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.*

Amendment 47  
ARTICLE 9 A (new)

*Article 9a*

*Further measures*

*Member States may, in line with Article 95(4) and (5) of the Treaty, take measures going beyond those laid down in this Regulation in order to achieve air quality limit values.*

*Justification*

*Member states who have difficulties with meeting air quality limit values should have the possibility to adopt more ambitious measures resulting in cleaner cars.*

Amendment 48  
ARTICLE 10, TITLE

Type approval of replacement *components*

Type approval of replacement *parts*

*Justification*

*The aim is to standardise terminology. The expression ‘replacement parts’ is used in Article 1, whereas ‘replacement components’ is used in Article 10.*

Amendment 49  
ARTICLE 10

1. *For new replacement catalytic 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.

1. 1. *The national type approval authority shall refuse to grant EC type approval for new types of replacement anti-pollution devices which do not comply with this Regulation or its implementing measures.*

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 50  
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

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:

Article 9(3).

*(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 51 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***

***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, 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 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.

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.

#### *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 52 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.

***Where 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 53 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 54 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 55 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 [**66 months** from the date of entry into force of this Regulation **and its implementing measures.**].

*Justification*

*Linked to the change of scope of Directive 2005/55/EC. Adequate deadlines for the repeal of previous directives so as to avoid creating a legal vacuum both in Community legislation and in national law, which would prevent the application of the existing EURO 4 provisions until the new EURO 5 provisions are fully applied to new vehicles.*

Amendment 56  
ARTICLE 18, PARAGRAPH 3

*3. If the adoption of the amendments or ~~deleted~~ 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.*

Amendment 57  
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>	—	<b>60</b>	<b>200</b>	—	<b>250</b>	5.0	5.0		
N <sub>1</sub>	I	RM ≤ 1305	1000	500	<b>75</b>	—	<b>60</b>	<b>200</b>	—	<b>250</b>	5.0	5.0		
	II	1305 < RM ≤ 1760	1810	630	<b>100</b>	—	<b>75</b>	<b>260</b>	—	<b>320</b>	5.0	5.0		
	III	1760 < RM	2270	740	<b>120</b>	—	<b>82</b>	<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	Limit values					
			Mass of carbon	Mass of <i>total</i>	<i>Mass of non-</i>	Mass of	Combined mass	Mass of particulates

		(RM) (kg)	monoxide (CO)		hydrocarbons (THC)		methane hydrocarbons (NMHC)		oxides of nitrogen (NO <sub>x</sub> )		of total hydrocarbons and oxides of nitrogen (THC + NO <sub>x</sub> )		(PM)		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 <sup>(3)</sup>	—	All	1000	500	<b>100</b>	—	<b>68</b>	—	<b>70</b>	<b>180</b>	—	<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>	—	<b>70</b>	<b>180</b>	—	<b>230</b>	5.0	5.0		
	II	1305 < RM ≤ 1760	1810	630	<b>130</b>	—	<b>90</b>	—	<b>85</b>	<b>235</b>	—	<b>295</b>	5.0	5.0		
	III	1760 < RM	2270	740	<b>160</b>	—	<b>108</b>	—	<b>95</b>	<b>280</b>	—	<b>350</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).*

Or. en

### Justification

See explanatory statement.

Amendment 58  
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 (THC + 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	—	70	70	—	170	5.0	5.0		
N <sub>1</sub>	I	RM ≤ 1305	1000	500	100	—	68	—	70	70	—	170	5.0	5.0		
	II	1305 < RM ≤ 1760	1810	630	130	—	90	—	85	85	—	150	5.0	5.0		
	III	1760 < RM	2270	740	160	—	108	—	95	95	—	178	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.

Or. en

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, the 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.
- The 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. The 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 September 2009 and the second step, Euro 6, five years later, i.e. on 1 September 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, the 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. The 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 70 mg/km. In the case of positive ignition engines 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.
- The 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 the 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, the 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.
- 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.

## OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

Mr Karl-Heinz Florenz  
Chairman  
Committee on the Environment, Public Health and Food Safety  
BRUSSELS

Subject: 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))

Dear Mr Chairman,

On 13 July 2006, the Committee on Legal Affairs decided to take up the question of the legal basis of the above-mentioned proposal for a regulation on its own initiative pursuant to Rule 35(3) of the Rules of Procedure<sup>1</sup>.

The committee noted that the proposal for a regulation in question ("euro 5") is being considered under the enhanced cooperation procedure as between the Committee on the Environment, Public Health and Food Safety, as the lead committee, and the Committee on the Internal Market and Consumer Protection. As a result, this letter has been copied to Ms McCarthy, as Chair of the latter committee.

The legal basis selected by the Commission is Article 95 of the EC Treaty.

As appears from its title the proposed regulation deals with (a) type approval with respect to vehicle emissions and (b) access to vehicle repair information. Whereas no direct challenge has been made to the proposed legal basis, amendments have been moved in the Committee on the Internal Market and Consumer Protection which would remove the recitals and articles concerning access to vehicle repair information on the ground that this matter is a competition law question and is out of place in a type-approval regulation. It is also pointed out by the authors of the amendments that access to technical repair information is already included in the block exemption regulation (Regulation No 1400/2002). This view is backed up by opinions of law firms which have been circulated in parliament, claiming that Article 95 is not the proper legal basis for access to repair information and that the relevant provisions are

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<sup>1</sup> "The committee responsible for legal affairs may also on its own initiative take up questions concerning the legal basis of the proposals submitted by the Commission. In such cases it shall duly inform the committee responsible."

disproportionate. A legal opinion has also been circulated in favour of retaining the relevant provisions.

It is for this reason that the Legal Affairs Committee decided to take this question up of its own initiative

### *Legal basis*

All Community acts must be founded upon a legal basis laid down in the Treaty (or in another legal act which they are intended to implement). The legal basis defines the Community's competence *ratione materiae* and specifies how that competence is to be exercised, namely the legislative instrument(s) which may be used and the decision-making procedure.

According to the Court of Justice the choice of legal basis is not a subjective one, but "must be based on objective factors which are amenable to judicial review"<sup>1</sup>, such as the aim and content of the measure in question<sup>2</sup>. Furthermore, the decisive factor should be the main object of a measure.<sup>3</sup>

According to the case-law of the Court of Justice, a general Treaty article constitutes a sufficient legal basis even though the measure in question also seeks, in a subordinate manner, to attain an aim sought by a specific Treaty article<sup>4</sup>.

### *The recitals and articles called in question*

Members of the Committee on the Internal Market and Consumer Protection have moved amendments designed either to delete or to amend the following provision of the proposed regulation:

#### Recital 6

*(6) Unrestricted and standardised access to vehicle repair information and effective competition on the market for vehicle repair and information services are necessary to facilitate the free circulation of vehicles on the internal market. A great proportion of such information is related to on-board diagnostic systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that manufacturers' websites shall follow.*

The amended version would read:

(6) Unrestricted and standardised access to vehicle repair information and effective competition on the market for vehicle repair and information services are ***indispensable for the facilitation of*** the free circulation of vehicles on the internal market. ***However, as access***

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<sup>1</sup> Case 45/86, *Commission v. Council* [1987] ECR 1439, para. 5.

<sup>2</sup> Case C-300/89, *Commission v. Council* [1991] ECR I-287, para. 10.

<sup>3</sup> Case C-377/98, *Netherlands v. European Parliament and Council* [2001] ECR I-7079, para. 27.

<sup>4</sup> Case C-377/98 *Netherlands v. European Parliament and Council* [2001] ECR I-7079, paras 27-28; Case C-491/01 *British American Tobacco (Investments) and Imperial Tobacco* [2002] ECR I-11453, paras 93-94.

***to repair information is a competition law issue, it does not belong in a type approval Regulation. Therefore the Commission should come forward with a separate proposal dealing with access to vehicle repair information, which is already partially regulated by Commission Regulation (EC) No 1400/2002 of 30 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector.***

Amendments have also been moved to delete the following articles:

*Article 6  
Manufacturers' obligations*

*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.*

*2. The information referred to in paragraph 1 shall include:*

- (a) an unequivocal vehicle identification;*
- (b) service handbooks;*
- (c) technical manuals;*
- (d) component and diagnosis information (such as minimum and maximum theoretical values for measurements);*
- (e) wiring diagrams;*
- (f) diagnostic trouble codes (including manufacturer specific codes);*
- (g) the software calibration identification number applicable to a vehicle type;*
- (h) information provided concerning, and delivered by means of, proprietary tools and equipment; and*
- (i) data record information and two-directional monitoring and test data.*

*3. Authorised dealers or repairers within the distribution system of a given vehicle manufacturer shall be regarded as independent operators for the purposes of this Regulation to the extent that they provide repair or maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer's distribution system.*

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

*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.*

*6. When applying for EC type approval or national type approval, the manufacturer shall provide proof of compliance with this Regulation relating to access to vehicle repair information and to the information referred to in paragraph 5 to the type approval authority. In the event that such information is not yet available or does not yet conform to this Regulation and its implementing measures at that point in time, the manufacturer shall*

*provide it within six months from the date of approval. If such proof of compliance is not provided within that period, the approval authority shall take appropriate measures to ensure compliance, including withdrawal of type approval. The manufacturer shall make subsequent amendments and supplements to vehicle repair information available on its websites at the same time they are made available to authorised repairers.*

#### *Article 7*

##### *Fees for access to vehicle repair information*

*1. Manufacturers may charge reasonable and proportionate fees for access to vehicle repair information covered by this Regulation; a fee is not reasonable or proportionate if it discourages access by failing to take into account the extent to which the independent operator uses it.*

*2. Manufacturers shall make available vehicle repair information on a daily, monthly, and yearly basis, with fees for access to such information varying in accordance with the respective periods of time for which access is granted.*

#### *Article 8*

##### *Implementing measures*

*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.*

Corresponding amendments have been moved to the title of the proposed regulation and to the definition clause (Article 13).

#### *Appraisal*

The grounds on which the committee has formed its view on the legal basis for the proposed instrument are as follows.

(a) Article 95 as legal basis

Whereas it is true that in the *Tobacco Advertising* case the Court of Justice held that Article 95(1) cannot be construed as vesting in the Community legislature a general power to regulate the internal market<sup>1</sup>, it is submitted in the first place that the object of the proposed measure is to improve the conditions for the establishment and functioning of the internal market and, in any event, that in assessing the appropriateness of a given legal basis, the decisive factor should be the main object of the measure in question.<sup>2</sup>

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<sup>1</sup> Case C-376/98 *Commission v. Parliament and Council* [2000] ECR I-8419, para. 83.

<sup>2</sup> Case C-377/98, *Netherlands v. European Parliament and Council* [2001] ECR I-7079, para. 27.

Indeed, Article 6 of the proposal requires manufacturers to make certain essential repair information available to independent operators. This will:

- facilitate the provision of repair services;
- facilitate the freedom of establishment of repairers;
- remove the dissuasive effects that are currently experienced regarding purchase of vehicles made by a manufacturer with a small presence in the Member State concerned;
- help to alleviate the distortions of competition occasioned by the fact that the motor vehicle block exemption regulation only applies to vertical agreements containing vertical restraints (see Article 2(1), second sub-paragraph, of Commission Regulation n. 1400/2002).

It should also be borne in mind that the proposal also takes as a base a high level of protection of the environment within the meaning of Article 95(3). Vehicle owners tend to take their vehicles to main dealers for servicing and repair when they are new and to independent garages when they are older and, in order to ensure that the vehicle's emissions remain as low as technically feasible, proper maintenance is essential.

The above could be usefully taken into account in a new recital 6a.

Given that all of the above elements, as well as the preponderant purpose of the proposal as a whole, amount to a genuine improvement in the functioning of the internal market<sup>1</sup>, it is considered that Article 95 has been correctly chosen as the legal basis.

It is further considered that, since the area of vehicle type approval has been virtually totally harmonised, reference should be made to the *Swedish Match* case<sup>2</sup>, in which the Court held that:

*"in a field which has been exhaustively harmonised at Community level, a national measure must be assessed in the light of the provisions of that harmonising measure and not of those of primary law"*<sup>3</sup>.

In this connection, it is relevant that existing instruments in this area already include measures on access to repair information (e.g. Directive 98/69/EC on emissions). The present proposal seeks to improve access in the light of deficiencies brought to light in a scientific study and is intended to complement the block-exemption Regulation No 1400/2002, which, in any event, expires in 2010.

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<sup>1</sup> See, in particular, Case C-491/01 *British American Tobacco (Investments) and Imperial Tobacco* [2002] ECR I-11453, especially para. 75.

<sup>2</sup> Case C-210/03 *Swedish Match* [2004] ECR I-11893.

<sup>3</sup> Para. 81.

Lastly, it is not without interest that on 27 January 2004 the Committee on Legal Affairs and the Internal Market voted *unanimously* to incorporate the following amendments in a proposal for a type-approval directive based on Article 95<sup>1</sup>:

Amendment 17  
Article 34 a (new)

***34a. The manufacturer shall make available to independent operators any technical information required for the repair and maintenance of vehicles unless that information is covered by an intellectual property right or constitutes secret know-how; in such case the information shall not be withheld in an improper manner. The information (including all subsequent amendments and supplements) shall be provided upon reasonable and non-discriminatory payment (where appropriate), in a prompt and proportionate way and in a practically usable form.***

***"Technical information " includes, but is not limited to, the unrestricted use of electronic control and diagnostic systems of a motor vehicle, the reprogramming of these systems in accordance with the vehicle manufacturer's standard procedures, and those particulars that are necessary to design diagnostic and service tools and equipment.***

Amendment 18  
Article 34 b (new)

***34b. The vehicle manufacturer may impose on the organisations referred to in Article 34a a binding agreement to protect the confidentiality of information relating to the vehicle protection.***

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<sup>1</sup> Report on the proposal for a European Parliament and Council directive on the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (COM(2003) 418 – C5-0320/2003 – 2003/0153(COD)) - A5-0025/2004.



(b) The principle of proportionality

The question of the proportionality of the proposed provisions has also been raised. Even though this is, strictly speaking, a separate issue from that of the legal basis for the proposed regulation, it will be briefly discussed here.

As we know,

*"the principle of proportionality, which is one of the general principles of Community law, requires that measures implemented through Community provisions be appropriate for attaining the objective pursued and must not go beyond what is necessary to achieve it"<sup>1</sup> and*

*"With regard to judicial review of the conditions referred to in the previous paragraph, it should be noted that the Community legislature must be allowed a broad discretion in an area such as that in issue in the present case, which involves political, economic and social choices on its part, and in which it is called on to undertake complex assessments. Consequently, the legality of a measure adopted in that area can be affected only if the measure is manifestly inappropriate having regard to the objective which the competent institutions are seeking to pursue"<sup>2</sup>.*

In the case from which those paragraphs are quoted, the Court of Justice held that a provision of a directive requiring manufacturers of animal feedingstuffs to indicate, at the customer's request, the exact composition of a feedingstuff was invalid for infringing the principle of proportionality on the ground that

*"... the obligation to provide customers with the exact indication of the ingredients of a feedingstuff impacts seriously on the economic interests of manufacturers, as it obliges them to disclose the formulas for the composition of their products, at the risk of those products being used as models, possibly by those customers themselves, and that the manufacturers cannot obtain the benefit of the investments which they have made in terms of research and innovation"<sup>3</sup>.*

In this case, in contrast, the proposed directive is dealing with the disclosure of information covered, for instance, by intellectual property rights and provision is made for the payment of *reasonable and proportionate fees ... varying in accordance with the respective periods of time for which access is granted* (Article 7).

Given that the concepts of compulsory licences and fair use are common currency in the field of patents and the fact that provision is made for payment of reasonable and proportionate fees for access to the relevant information, the case of *ABNA* can be distinguished and the provisions considered to be proportionate within the meaning of the case-law as far as the principle of access to the information is concerned.

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<sup>1</sup> Judgment of 6 December 2005 in Joined Cases C-453/03, C-11/04, C-12/04 and C-194/04 *ABNA*, not yet reported in the ECR, para. 68.

<sup>2</sup> *Ibid.*, para. 69.

<sup>3</sup> *Ibid.*, para. 82, emphasis supplied.

### *Conclusion*

It is therefore considered that the contested provisions of the proposal for a directive in question may unquestionably be incorporated in the directive as proposed on the basis of Article 95 of the EC Treaty.

At its meeting of 13 July 2006 the Committee on Legal Affairs accordingly decided, unanimously<sup>1</sup>, to recommend that you that Article 95 of the EC Treaty constitutes the appropriate legal basis even if the contested provisions are included in the proposal for a directive.

Yours sincerely,

Giuseppe Gargani

cc: Arlene McCarthy, Chairwoman of the Committee on the Internal Market and Consumer Protection

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<sup>1</sup> The following were present for the vote Giuseppe Gargani (chairman), Rainer Wieland (vice-chairman), Katalin Lévai (vice-chairwoman), Enrico Speroni (draftsman), Maria Berger, Sharon Bowles, Hiltrud Breyer, Piia-Noora Kauppi, Hans-Peter Mayer, Manuel Medina Ortega, Marie Panayotopoulos-Cassiotou, Michel Rocard, Aloyzas Sakalas, Francesco Gabriele Stauner, Daniel Stroj, Diana Wallis and Tadeusz Zwiefka.

13.9.2006

## **OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION**

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

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))

Draftswoman (\*): Anja Weisgerber

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

### **SHORT JUSTIFICATION**

The aim of the Commission proposal is to introduce harmonised technical requirements for motor vehicles with the aim of guaranteeing the proper functioning of the internal market and, at the same time, helping to reduce pollutant emissions into the atmosphere. The proposal consolidates and simplifies the existing legal provisions governing type approval for motor vehicles, with the result that nine existing provisions in this area can now be repealed. The proposal is thus consistent with the Commission's objective of better lawmaking.

With a view to guaranteeing effective competition on the market in repair and maintenance services and ensuring that independent garages are not excluded from that market, motor vehicle manufacturers must grant independent operators, such as independent garages or independent traders in motor vehicle spare parts, unrestricted, non-discriminatory and immediate access to vehicle repair information. Access to vehicle repair information is already governed in part by the bloc exemption regulation (1400/2002/EC) and is also covered by the Euro 4 regulation.

With a view to ruling out contradictory provisions and problems of interpretation, the regulation under consideration here should govern only access to those kinds of technical information required for the repair and maintenance of motor vehicle components designed to reduce and control emissions. These devices are essential to compliance with pollutant emission limit values throughout the life of a motor vehicle. There is every justification, therefore, for linking type approval for motor vehicles with respect to emissions with the granting of access to the relevant repair information. Access to other kinds of vehicle repair information should be dealt with in other legislative texts, primarily the new framework

directive on type approval.

## **AMENDMENTS**

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

## Draft legislative resolution

### Amendment 1 Paragraph 1 a (new)

***1a. Calls on the Commission to introduce proposals in a revised framework Directive on type approval to guarantee access to detailed vehicle repair information in order to stimulate competition within the vehicle repair industry. Further, calls on the Commission to bring forward any necessary proposals to avoid duplication or double regulation between this Regulation, Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector<sup>1</sup> and the draft Directive on the approval of motor vehicles and their trailers.***

## Proposal for a regulation

Text proposed by the Commission

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Amendments by Parliament

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### Amendment 2 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, ***in which various measures to improve air quality and to achieve European air quality objectives are proposed. The Euro 5 standard is one of the measures proposed to reduce emissions of ozone precursors, such as nitrogen oxides and hydrocarbons, and of particulate matter.***

### *Justification*

*The link between the Euro 5 standard and the objectives of the thematic strategy on air pollution should be made clearer.*

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<sup>1</sup> OJL 203, 1.8.2002, p. 30.

Amendment 3  
RECITAL 6

(6) Unrestricted **and standardised** access to vehicle repair information and effective competition on the market for vehicle repair and information services are necessary to facilitate the free circulation of vehicles on the internal market. A great proportion of such information is related to on-board diagnostic systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that manufacturers' websites shall follow.

(6) Unrestricted access to vehicle repair information **via a standardised search function which can be used to retrieve the technical information** and effective competition on the market for vehicle repair and information services are necessary to facilitate the free circulation of vehicles on the internal market. A great proportion of such information is related to on-board diagnostic systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that manufacturers' websites shall follow.

***Common standards agreed with the involvement of stakeholders, such as the OASIS standard, can facilitate the exchange of information between manufacturers and service providers.***

Amendment 4  
RECITAL 6 A (new)

***(6a) Access to all vehicle repair information should be governed in the same way as it is in this Regulation by provisions contained in Directive [XXXX/XX/EC] on the approval of motor vehicles and their trailers. When provisions governing access to all vehicle repair information are adopted in Directive [XXXX/XX/EC], the corresponding provisions in this Regulation should be repealed.***

Amendment 5  
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.

Amendment 6  
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 *or* repair of the vehicle and which the manufacturers provide for their authorised dealers/repair shops, including all subsequent amendments and supplements to such information.

Amendment 7  
ARTICLE 6

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 access to vehicle repair information to independent operators through websites *via a standardised search function* 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.

2. The information referred to in paragraph 1 shall include:

2. The information referred to in paragraph 1 shall include

- (a) an unequivocal vehicle identification;
- (b) service handbooks;
- (c) technical manuals;
- (d) component and diagnosis information (such as minimum and maximum theoretical values for measurements);
- (e) wiring diagrams;
- (f) diagnostic trouble codes (including manufacturer specific codes);
- (g) the software calibration identification number applicable to a vehicle type;
- (h) information provided concerning, and delivered by means of, proprietary tools and equipment; *and*
- (i) data record information and two-directional monitoring and test data*

- (a) an unequivocal vehicle identification;
- (b) service handbooks;
- (c) technical manuals;
- (d) component and diagnosis information (such as minimum and maximum theoretical values for measurements);
- (e) wiring diagrams;
- (f) diagnostic trouble codes (including manufacturer specific codes);
- (g) the software calibration identification number applicable to a vehicle type; *and*
- (h) information provided concerning, and delivered by means of, proprietary tools and equipment.

3. Authorised dealers or repairers within the

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distribution system of a given vehicle manufacturer shall be regarded as independent operators for the purposes of this Regulation to the extent that they provide repair or maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer's distribution system.

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

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.

6. When applying for EC type approval or national type approval, the manufacturer shall provide proof of compliance with this Regulation relating to access to vehicle repair information and to the information referred to in paragraph 5 to the type approval authority.

In the event that such information is not yet available or does not yet conform to this Regulation and its implementing measures at that point in time, the manufacturer shall provide it within six months from the date of approval. If such proof of compliance is not provided within that period, the approval authority shall take appropriate measures to ensure compliance, *including withdrawal of type approval*.

The manufacturer shall make subsequent amendments and supplements to vehicle repair information available on its websites at the same time they are made available to authorised repairers.

distribution system of a given vehicle manufacturer shall be regarded as independent operators for the purposes of this Regulation to the extent that they provide repair or maintenance services for vehicles in respect of which they are not members of the vehicle manufacturer's distribution system.

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

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.

6. When applying for EC type approval or national type approval, the manufacturer shall provide proof of compliance with this Regulation relating to access to vehicle repair information and to the information referred to in paragraph 5 to the type approval authority.

In the event that such information is not yet available or does not yet conform to this Regulation and its implementing measures at that point in time, the manufacturer shall provide it within six months from the date of approval. If such proof of compliance is not provided within that period, the approval authority shall take appropriate measures to ensure compliance.

The manufacturer shall make subsequent amendments and supplements to vehicle repair information available on its websites at the same time they are made available to authorised repairers.

***6a. The requirements of paragraphs 1 to 5 shall cease to apply in respect of a vehicle version from ten years after production of that version ceases.***



Amendment 8  
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 *Articles 6 and 7.*

Amendment 9  
ARTICLE 8 A (new)

*Article 8a*

*Within three years of the entry into force of this Regulation, the Commission shall present to the Council and to the Parliament a report on the operation of the system of access to vehicle repair information, with particular consideration to the effect on competition and the operation of the internal market. The report shall consider whether it would be appropriate to consolidate all provisions governing access to vehicle repair information within a revised framework Directive on type approval.*

## PROCEDURE

<b>Title</b>	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			
<b>References</b>	COM(2005)0683 – C6-0007/2006 – 2005/0282(COD)			
<b>Committee responsible</b>	ENVI			
<b>Opinion by</b> Date announced in plenary	IMCO 19.1.2006			
<b>Enhanced cooperation – date announced in plenary</b>	16.3.2006			
<b>Drafts(wo)man</b> Date appointed	Anja Weisgerber 21.2.2006			
<b>Previous drafts(wo)man</b>				
<b>Discussed in committee</b>	21.3.2006	29.5.2006	10.7.2006	4.9.2006
<b>Date adopted</b>	4.9.2006			
<b>Result of final vote</b>	+: 35 -: 0 0: 0			
<b>Members present for the final vote</b>	Charlotte Cederschiöld, Bert Doorn, Janelly Fourtou, Evelyne Gebhardt, Malcolm Harbour, Anna Hedh, Edit Herczog, Anneli Jäätteenmäki, Pierre Jonckheer, Alexander Lambsdorff, Kurt Lechner, Lasse Lehtinen, Arlene McCarthy, Toine Manders, Bill Newton Dunn, Béatrice Patrie, Zita Pleštinská, Zuzana Roithová, Luisa Fernanda Rudi Ubeda, Heide Rühle, Leopold Józef Rutowicz, Andreas Schwab, Eva-Britt Svensson, József Szájer, Marianne Thyssen, Jacques Toubon, Barbara Weiler, Glenis Willmott			
<b>Substitute(s) present for the final vote</b>	Harald Ettl, Benoît Hamon, Joel Hasse Ferreira, Gisela Kallenbach, Joseph Muscat, Alexander Stubb, Gary Titley, Sahra Wagenknecht, Anja Weisgerber			
<b>Substitute(s) under Rule 178(2) present for the final vote</b>				
<b>Comments (available in one language only)</b>	...			

26.6.2006

## **OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM**

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

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))

Draftsman: Bogusław Liberadzki

### **SHORT JUSTIFICATION**

#### **Objectives**

- further tightening of the limits on emissions harmful to the atmosphere - introduction of the Euro 5 standards,
- introduction of binding provisions on vehicle manufacturers to ensure access to vehicle repair information.

#### **Scope**

Under Article 2(1)(a), the draft Regulation applies to motor vehicles equipped with positive ignition engines. Since vehicles fuelled by gas (propane, butane or natural gas) are dealt with under letter (b), letter (a) applies to vehicles running on petrol or biofuels, as confirmed by Article 5(4)(i). At the same time, because the provisions of letter (a) do not specify any particular categories, it covers all vehicles counted as ‘motor vehicles’ under EU classification. According to Directive 70/156/EEC, these include:

- vehicles in type approval category M (for carriage of passengers - M<sub>1</sub>, M<sub>2</sub>, M<sub>3</sub>),
- vehicles in type approval category N (for carriage of passengers - N<sub>1</sub>, N<sub>2</sub>, N<sub>3</sub>).

Also classified as motor vehicles, however, are two-, three- and four-wheeled vehicles covered by Directive 92/61/EEC belonging to category L. Because they have positive ignition engines fuelled by petrol, they are also covered by the Regulation, under the current wording of Article 2.

Directive 70/220/EEC, currently in force, and Directive 80/1268/EEC, do not apply to

category L. The requirements relating to harmful emissions in this category are laid down in Directive 97/24/EC, which is not being repealed. It is to be assumed that the extension of the scope of the Regulation to include category L is an error which needs to be remedied.

## **Requirements**

The proposed limitation of harmful emissions should be seen as quite ambitious, especially when it comes to NO<sub>x</sub>. The reduction is the largest, however, in the case of particulate matter, which is deemed to pose the biggest threat to human health. In addition to particulate matter emissions, a threat is also posed by emissions from ozone precursors - hydrocarbons and nitrogen oxide - on which further limitations are introduced under the Euro 5 standards.

While there are no objections to lowering limits for compression ignition cars, it is though advisable to reconsider the tightening of the requirements for nitrogen oxide for positive ignition cars, against which the stakeholders provide arguments that it would make it necessary to use emission reduction techniques which are not yet sufficiently 'mature', especially for vehicles with spontaneous ignition engines. Their introduction would pose serious problems for small producers and could have an impact on the competitiveness of the motor vehicle industry. In addition, the use of such techniques would lead to a further increase in production costs, and thus in vehicle prices. Since in some Member States the majority of the fleet is over 10 years old, higher new car prices will slow the process of fleet renewal which also should be considered as a clean air factor.

## **Deadlines for introduction of Euro 5**

The deadlines for the introduction of the Euro 5 standards are given in Article 9(2) and (3) in the form of 'flexible dates', in other words depending on the date of entry into force of the Regulation, which is not yet known. Even determining them approximately is made impossible by Article 18(3), which stipulates that, if the Commission does not adopt amendments within six months of the date of entry into force of the Regulation, the dates mentioned in Articles 9(2) and (3) will be replaced by the dates mentioned in the amendments or implementing measures. In this case, therefore, there may be a significant change in the date of application.

## **Type approval of replacement parts**

The Regulation also covers the type approval of replacement parts (Article 1). However, provisions are made only for replacement catalytic converters (Article 10). The existing provisions of Directive 70/220/EEC already lay down a requirement for such type approval. These provisions are important because the quality of converters has a decisive influence on harmful emissions.

There are a number of doubts, however, such as the lack of any provision imposing obligations on manufacturers of converters (vehicle manufacturers' obligations are set out in Article 4), since Article 10(1) applies only to replacement catalytic converters intended to be fitted on vehicles not equipped with on-board diagnostic systems (OBD); the current provisions of Directive 2002/80/EC also cover catalytic converters intended to be fitted on vehicles equipped with OBD systems; the Commission does not explain why it is proposing

to relax the provisions. Article 10(2) authorises national authorities to extend type approvals which have been granted, yet does not specify whether in the longer term they will be recognised for the purposes mentioned in paragraph 1.

## **Repeal**

The directives repealed by virtue of Article 17 can be divided into two groups:

- with regard to harmful emissions - Directive 70/220/EEC and the directives amending it, namely Directives 89/458/EEC, 91/441/EEC, 93/59/EEC, 94/12/EC, 96/69/EC, 98/69/EC,
- with regard to fuel and carbon dioxide emissions - Directive 80/1268/EEC and amending Directive 2004/3/EC.

In its explanatory memorandum the Commission does not say why other directives (e.g. 83/351/EEC, 1999/102/EC, 2001/1/EC and others) amending Directive 70/220/EEC and other directives (93/116/EC, 1999/100/EC) amending Directive 80/1268/EEC are not repealed.

## **Conclusions**

The benefits arising from the Regulation include the following:

- a high level of protection for the natural environment through limits on harmful emissions from vehicles,
- improved competitiveness in the motor vehicle industry,
- a better quality of automobile services and lower costs through the introduction of a requirement for producers to provide vehicle repair information.

## AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

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Amendments by Parliament

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### Amendment 1 RECITAL 4 A (new)

***(4a) Achieving EU air quality objectives requires a continuing effort to reduce vehicle emissions. For that reason, industry should be provided with clear information on the future revision of this Regulation. Therefore, the Commission should as soon as possible present a proposal for its revision containing a new set of emission limits, to be named Euro 6.***

### 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 and reducing health costs, ***as well as the overall CO<sub>2</sub> emission balance.***

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

*Justification*

*CO<sub>2</sub> emissions have to be taken into account when setting emission standards. It is a known fact, and has been recognised in the air quality legislation, that reducing given emissions may increase CO<sub>2</sub> emissions.*

Amendment 3  
RECITAL 8 A (new)

***(8a) Further efforts to implement stricter emissions limits, including CO<sub>2</sub> emission reductions and limits relating to the actual performance of vehicles when in use, should be continued.***

*Justification*

*For achieving the Kyoto Protocol targets and reducing local pollution, further efforts for stricter emissions' limits are necessary.*

Amendment 4  
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 catalytic converters ***and particulate filters***, with regard to their emissions.

*Justification*

*In order to limit emissions of particulates from vehicles with positive ignition engines, particulate filters will be essential (see Short Justification - Legal elements of the proposal. Summary of the proposed action, second paragraph). Filters must therefore be subject to type approval in the same way as catalytic converters.*

Amendment 5  
ARTICLE 2, PARAGRAPH 1, POINT (A)

(a) positive ignition engines;

(a) positive ignition engines ***of category M and N as defined in [Annex II] to Directive***

**70/156/EEC**

Amendment 6  
ARTICLE 2, PARAGRAPH 1, POINT (B)

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

(b) positive ignition engines fuelled by gas of categories M<sup>1</sup> and N<sup>1</sup> as defined in [Annex II] to Directive 70/156/EEC; and

*Justification*

*Need for clarification.*

Amendment 7  
ARTICLE 3, POINT 14 A (new)

***(14a) “original equipment particulate filter” means a particulate filter covered by the type approval delivered for the vehicle;***

*Justification*

*Definition is missing in the Commission proposal.*

Amendment 8  
ARTICLE 3, POINT 14 B (new)

***(14b) “replacement particulate filter” means a particulate filter intended to replace an original equipment particulate filter which can be approved as a separate technical unit as defined in Directive [XXXX/XX/EC].***

*Justification*

*Definition is missing in the Commission proposal.*

Amendment 9  
ARTICLE 4, PARAGRAPH 1



1. Manufacturers shall ensure that all vehicles brought forward for type approval to be sold, registered or put into service in the Community comply with this Regulation and its implementing measures.

1. Manufacturers shall ensure that all vehicles **and replacement parts** brought forward for type approval to be sold, registered or put into service in the Community comply with this Regulation and its implementing measures.

Amendment 10  
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. The technical measures to be taken by manufacturers shall be such as to enable vehicles actually to meet tailpipe and evaporative emission requirements under this Regulation throughout the vehicles' normal life under normal conditions of use. For the purposes of this Regulation, manufacturers shall be responsible for ensuring that vehicles in production conform to the relevant type approval and for ascertaining the satisfactory in-use operation of emission control devices for a period up to 5 years or 100 000 km, whichever is the sooner.**

Amendment 11  
ARTICLE 5, PARAGRAPH 4, POINT (D)

d) durability of anti-pollution devices, **replacement emission control systems**, in use compliance, conformity of production and roadworthiness;

d) durability of anti-pollution devices, in use compliance, conformity of production and roadworthiness;

Amendment 12  
ARTICLE 5, PARAGRAPH 4, POINT (I A) (new)

**ia) replacement catalytic converters and particulate filters.**

Amendment 13  
ARTICLE 8

The Commission shall adopt, in accordance with the procedure referred to in Article 37(2) of Directive [XXXX/XX/EC],

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.

**and taking into account the provisions of Article 8 of Decision 1999/468/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.

#### *Justification*

*The amendment proposed would enable Parliament to have its say if the implementing measures were to involve substantive changes on which Parliament ought to be consulted.*

#### Amendment 14 ARTICLE 9, PARAGRAPH 2

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

2. With effect from ***1 January 2009*** and from ***1 January 2010*** 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.

#### *Justification*

*Appropriate date for entry into force. The Member States and manufacturers need to know the date of entry into force of Euro 5 as soon as possible. It is useful to replace the movable dates with fixed dates. In the directives on harmful emissions amending Directive 70/220/EEC, fixed dates were always used. That principle has been a sound one in the past.*

#### Amendment 15 ARTICLE 9, PARAGRAPH 3

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

3. With effect from ***1 January 2010*** and from ***1 January 2011*** 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

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.

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.

#### *Justification*

*Appropriate date for entry into force. The Member States and manufacturers need to know the date of entry into force of Euro 5 as soon as possible. It is useful to replace the movable dates with fixed dates. In the directives on harmful emissions amending Directive 70/220/EEC, fixed dates were always used. That principle has been a sound one in the past.*

#### Amendment 16 ARTICLE 10, TITLE

Type approval of replacement ***components***

Type approval of replacement ***parts***

#### *Justification*

*The aim is to standardise terminology. The expression ‘replacement parts’ is used in Article 1, whereas ‘replacement components’ is used in Article 10.*

#### Amendment 17 ARTICLE 10, PARAGRAPH -1 (new)

***-1. With effect from the date of entry into force of this Regulation, if a manufacturer so requests, the national type approval authority may not, on grounds relating to emissions of motor vehicles, refuse to grant EC type approval for a type of replacement catalytic converter or particulate filter or prohibit the sale or installation on a vehicle of such parts if they comply with this Regulation and its implementing measures.***

*Justification*

*A provision is added stipulating the date after which Members States may not refuse to grant type approval for replacement parts, if they comply with the Regulation.*

Amendment 18  
ARTICLE 10, PARAGRAPH 1

**1. For new replacement catalytic 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.**

**1. The national type approval authority shall refuse to grant EC type approval for new types of replacement catalytic converter or particulate filter which do not comply with this Regulation or its implementing measures.**

*Justification*

*A provision is added stipulating the date after which Members States may not refuse to grant type approval for replacement parts, if they comply with the Regulation.*

Amendment 19  
ARTICLE 11, PARAGRAPH 1

1. Member States may make provision for financial incentives in respect of motor vehicles in series production which comply with this Regulation.

**1. *With effect from the date of entry into force of this Regulation*** Member States may make provision for financial incentives in respect of motor vehicles in series production which comply with this Regulation.

*Justification*

*Having regard to provisions of Article 18(2); the Article 9(1) includes the date of entry into force, whereas in the Article 11 this date does not appear. In principle financial incentives must be introduced from 1 January 2006, since the possibility of granting incentives for Euro 4 vehicles ends with effect from 31 December 2005. However, this is not possible under the*

*Regulation.*

Amendment 20  
ARTICLE 11, PARAGRAPH 2

2. Member States may make provision for financial incentives for the retrofitting of in-use vehicles to meet the emission limits laid down in this Regulation and for scrapping vehicles which do not comply.

2. ***With effect from the date of entry into force of this Regulation*** Member States may make provision for financial incentives for the retrofitting of in-use vehicles to meet the emission limits laid down in this Regulation and for scrapping vehicles which do not comply.

*Justification*

*Having regard to provisions of Article 18(2); the Article 9(1) includes the date of entry into force, whereas in the Article 11 this date does not appear. In principle financial incentives must be introduced from 1 January 2006, since the possibility of granting incentives for Euro 4 vehicles ends with effect from 31 December 2005. However, this is not possible under the Regulation.*

Amendment 21  
ARTICLE 13, PARAGRAPH 2

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

2. Consideration shall be given to including methane emissions in the calculation of carbon dioxide emissions ***and adopting measures to test, take into account, or limit methane emissions.***

*Justification*

*The Commission proposal has to allow from the outset for the different specific properties of methane and non-methane hydrocarbons. The amendment anticipates the approach already outlined in recital 8 and is consistent with the promotion of alternative fuels, among which the Commission includes natural gas, which has a high methane content.*

Amendment 22  
ARTICLE 18, PARAGRAPH 2

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

2. ***With the exception of Articles 9(1) and 11,*** this Regulation shall apply from [18

*the exception of Articles 9(1) and 11.*

months after *its* entry into force].

*Justification*

*To clarify and simplify.*

Amendment 23

ANNEX I, TABLE 1, COLUMN 1, CATEGORY M, FOOTNOTE 2 A (new)

***(2a) Emission limits apply to category M vehicles of a maximum permissible laden mass not exceeding 3500 kg only.***

*Justification*

*Directive 97/68/EC stipulates that vehicles with positive ignition engines fuelled by petrol are subject to the following tests:*

*- for vehicles having a maximum mass not exceeding 3500 kg (categories M1, N1) – type I, III, IV, V, VI and OBD,*

*- for vehicles having a maximum mass greater than 3500 kg (categories M1, M2, M3, N2, N3) – type II, type III.*

*According to Annex I, all vehicles in category M and not only those with a maximum mass not exceeding 3500 kg (letter ‘M’ in the column headed ‘category’ in the tables) are subject to type I tests (table 1) and thus also to type V and VI (table 3). This represents a change from existing provisions about which nothing is said in the short justification.*

Amendment 24

ANNEX I, TABLE 3, COLUMN 1, CATEGORY M, FOOTNOTE 1 (new)

***(1) Emission limit applies to category M vehicles of a maximum permissible laden mass not exceeding 3500 kg only.***

*Justification*

*Directive 97/68/EC stipulates that vehicles with positive ignition engines fuelled by petrol are subject to the following tests:*

- for vehicles having a maximum mass not exceeding 3500 kg (categories M1, N1) – type I, III, IV, V, VI and OBD,

- for vehicles having a maximum mass greater than 3500 kg (categories M1, M2, M3, N2, N3) – type II, type III.

*According to Annex I, all vehicles in category M and not only those with a maximum mass not exceeding 3500 kg (letter 'M' in the column headed 'category' in the tables) are subject to type I tests (table 1) and thus also to type V and VI (table 3). This represents a change from existing provisions about which nothing is said in the short justification.*

## PROCEDURE

<b>Title</b>	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
<b>References</b>	COM(2005)0683 – C6-0007/2006 – 2005/0282(COD)
<b>Committee responsible</b>	ENVI
<b>Opinion by</b> Date announced in plenary	TRAN 19.1.2006
<b>Enhanced cooperation – date announced in plenary</b>	16.3.2006
<b>Drafts(wo)man</b> Date appointed	Bogusław Liberadzki 7.2.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	20.4.2006      19.6.2006
<b>Date adopted</b>	20.6.2006
<b>Result of final vote</b>	+:    32 -:    0 0:    3
<b>Members present for the final vote</b>	Gabriele Albertini, Margrete Auken, Inés Ayala Sender, Etelka Barsi-Pataky, Philip Bradbourn, Paolo Costa, Michael Cramer, Christine De Veyrac, Petr Duchoň, Saïd El Khadraoui, Mathieu Grosch, Ewa Hedkvist Petersen, Jeanine Hennis-Plasschaert, Stanisław Jałowiecki, Georg Jarzembowski, Dieter-Lebrecht Koch, Jaromír Kohlíček, Rodi Kratsa-Tsagaropoulou, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Erik Meijer, Michael Henry Natrass, Robert Navarro, Josu Ortuondo Larrea, Willi Piecyk, Reinhard Rack, Luca Romagnoli, Dirk Sterckx, Ulrich Stockmann, Gary Titley, Georgios Toussas, Armando Veneto, Marta Vincenzi
<b>Substitute(s) present for the final vote</b>	Fausto Correia, Den Dover, Elisabeth Jeggle, Anne E. Jensen, Helmuth Markov, Rosa Miguélez Ramos, Kathy Sinnott
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	



21.6.2006

## **OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY**

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

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))

Draftsman: Ivo Belet

### **SHORT JUSTIFICATION**

This proposal for a regulation introduces yet more stringent limits on emissions of pollutants from motor vehicles. Particularly in urban and densely populated areas, there are still considerable air quality problems in Europe. Emissions of ozone precursors (NO<sub>x</sub> and HC) and particulate matter (PM), in particular, need to be further reduced. Various Member States are therefore using tax incentives to accelerate the introduction of cleaner vehicles, which can result in an undesirable fragmentation of the internal market. This proposal therefore seeks to establish harmonised European rules with a view to the proper operation of the internal market and a high level of environmental protection.

In this Commission proposal, a limit value of 5 mg/km is imposed on emissions of PM from diesel vehicles, which represents a cut of 80% in relation to the present standard and, *de facto*, amounts to a requirement to install diesel particulate filters. The present limit value for NO<sub>x</sub> emissions is reduced by 20% to 200 mg/km. For petrol vehicles, the proposal is less far-reaching. The Commission proposes reducing emissions of NO<sub>x</sub> and hydrocarbons by 25%, with limit values of 60 and 75 mg/km respectively. However, many petrol vehicles currently sold in the EU already amply comply with these proposed emission limits or can be modified relatively cheaply to do so.

In addition, the Commission proposes that heavy passenger vehicles (SUVs) should no longer be treated as light commercial vehicles but as passenger vehicles, so that they too would have to comply with the stricter standards. Finally, the proposal provides for practical measures to implement the existing obligation to provide repair information (including to independent garages and dealers), by requiring producers to make this information available in a standardised manner and over the Internet.

Your draftsman largely supports this proposal, which should not only be able to substantially improve health in Europe but also help to increase productivity in the EU by stimulating innovation and reducing sick leave.

It is crucial to strike a precarious balance, such that the extra cost of new diesel vehicles is not so great that consumers will either opt for petrol cars (which would have an adverse impact on emissions of CO<sub>2</sub> and fuel consumption) or prefer second-hand cars (which will not, on balance, make the existing vehicle park any cleaner). Preserving this precarious balance is very important in order to genuinely improve environmental protection.

It is also of great importance that manufacturers should be held responsible for ensuring that vehicles continue to comply with emission limits until they have 160 000 km on the clock (rather than 80 000 km).

One important aspect is the implementation of this legislation and the follow-up to it. Particularly for the motor vehicle industry, with large long-term investments and extensive production planning, it is very important to operate within a legislative framework which is as stable and predictable as possible. One of the recommendations of the High-Level Group CARS21 is therefore that, when submitting proposals for new legislation, the next step which is to follow this legislation should also be announced in order to give a more long-term indication of how the legislative framework will change in future. Your draftsman therefore deplores the fact that, in its proposal, the Commission has not indicated when the next step, Euro 6, will follow or how stringent the proposals concerning it will be.

There are those who consider that the date of entry into force of the proposed regulation (18 months after its publication) is somewhat soon, bearing in mind the life cycles of vehicles and the long-term production plans of vehicle manufacturers, but others believe that it is perfectly feasible. All in all, it seems right to adhere to the timetable proposed by the Commission. Clean diesel technology must, after all, become one of the priority actions in the context of the Lisbon renewal. The Seventh Framework Programme must play a central role here. One of the priorities of the Seventh FP is to improve the EU's position on the world market for environmental technology.

It is also worth pointing out that emissions of fine particulates can only be substantially reduced if the other modes of transport also make significant contributions. In the short term, therefore, measures are needed to control emissions from shipping and aircraft.

Finally, as regards the accessibility of repair information, it might be queried whether this regulation is the right context in which to deal with this matter or whether a separate proposal ought to be submitted in the context of the further practical development of the existing Block Exemption Regulation. At all events, your draftsman is convinced of the need for repair information to be made as fully available as possible to independent repair firms. It is important to ensure that small and medium-sized enterprises, in particular, have access to this information without hindrance and on reasonable terms.

## **AMENDMENTS**

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1  
RECITAL 6

(6) Unrestricted and standardised access to vehicle repair information and effective competition on the market for vehicle repair and information services are necessary to facilitate the free circulation of vehicles on the internal market. A great proportion of such information is related to on-board diagnostic systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that manufacturers' websites shall follow.

(6) Unrestricted and standardised access to vehicle repair information and effective competition on the market for vehicle repair and information services are necessary to facilitate the free circulation of vehicles on the internal market. A great proportion of such information is related to on-board diagnostic systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that manufacturers' websites shall follow, ***along with targeted measures to ensure reasonable access for small and medium-sized enterprises (SMEs).***

*Justification*

*Access on reasonable terms to vehicle repair information for the vast amount of small and medium-sized enterprises in the sector is vital as they cannot afford the highly specialised tools and dedicated information services available to a distributor.*

Amendment 2  
RECITAL 7 A (new)

***(7a) In order to improve the predictability of future regulation in this field, the Commission should present a legislative programme of targets for emissions standards. This legislative programme should be based on an extended consultation of all the parties concerned and a thorough impact assessment, including the state of implementation in all***

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

***member states, taking into account possible technological developments, as well as cost and efficiency considerations.***

*Justification*

*For the car industry, with its long term investment and activities planning, better predictability on future regulations is key. The industry needs time in order to make efficient investments in development and in manufacturing. In order to avoid too much red tape, the Commission should base this legislative programme on an impact assessment and consultation with all parties.*

Amendment 3  
RECITAL 13 A (new)

***(13a) Diesel vehicles fulfilling specific social needs, such as vehicles intended for rescue, emergency and recovery services, public utility or the transportation of people with disabilities and diesel family vehicles with 7 seats or more including the driver and with an engine size not exceeding 2.4 litres should be treated as light commercial vehicles. The Commission should adopt guidelines to this end.***

*Justification*

*The current exemption for heavy passenger vehicles should be limited to multi purpose family vehicles and vehicles fulfilling the needs of dedicated transport, such as rescue and recovery services and transport of handicapped people. These vehicles should have the possibility to be type approved as N1 class II and III vehicles.*

Amendment 4  
ARTICLE 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 catalytic converters ***and replacement particle filters***, with regard to their emissions.

*Justification*

*Legal clarification.*

Amendment 5  
ARTICLE 2

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

- (a) positive ignition engines;
- (b) positive ignition engines fuelled by gas of categories M1 and N1 as defined in [Annex II] of Directive [XXXX/XX/EC]; and
- (c) compression ignition engines of categories M1 and N1 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 M2 and N2, 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***.

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

- (a) positive ignition engines;
- (b) positive ignition engines fuelled by gas of categories M1 and N1 as defined in [Annex II] of Directive ***70/156/EEC as last amended by*** [XXXX/XX/EC]; and
- (c) compression ignition engines of categories M1 and N1 as defined in [Annex II] of Directive ***70/156/EEC as last amended by*** [XXXX/XX/EC] ***with the exception of those vehicles of category N1 for which type approval has been granted pursuant to Directive 2005/55/EC.***

2. At the manufacturer's request ***type approval pursuant to*** this Regulation 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 ***for the extension of type approval*** laid down in this Regulation.

*Justification*

*The proposed amendment reflects the text of the current Directive 70/220/EEC and offers the sought-after simplification for manufacturers. The Commission proposal would mean that the full procedure for type approval of these categories of vehicles would still be required despite this not being justified by the very limited production volumes.*

Amendment 6  
ARTICLE 3, POINT 11 A (new)

***(11a) "original equipment particle filter" means a particle filter covered by the type***

***approval delivered for the vehicle.***

*Justification*

*This definition is missing in the Commission proposal.*

Amendment 7  
ARTICLE 3, POINT 12 A (new)

***(12a) "replacement particle filter" means a particle filter intended to replace an original equipment particle filter which can be approved as a separate technical unit as defined in Directive xxxx/xx/EC.***

*Justification*

*This definition is missing in the Commission proposal.*

Amendment 8  
ARTICLE 3, POINT 14 A (new)

***(14a) "diesel vehicles fulfilling specific social needs" means special purpose vehicles in category M1, with a reference mass exceeding 2.0 tonnes. For the purpose of this Regulation these vehicles will be considered as N1 vehicles.***

*Justification*

*The current exemption for heavy passenger vehicles should be limited to multi purpose family vehicles and vehicles fulfilling the needs of dedicated transport, such as rescue and recovery services and transport of handicapped people. These vehicles should have the possibility to be type approved as N1 class II and III vehicles.*

Amendment 9  
ARTICLE 3, POINT 14 B (new)

***(14b) "diesel family vehicles" means vehicles in category M1 having 7 or more seats, including the driver's seat and an engine size not exceeding 2.4 litres,***

***excluding off-road vehicles as defined by Directive xx/xxx/EC. For the purpose of this Regulation these vehicles will be considered as N1 vehicles.***

*Justification*

*Non off-road vehicles designed for 6 or more occupants in addition to the driver and having an engine size not exceeding 2.4 litres should have the possibility to be type approved as N1 class II and III vehicles.*

Amendment 10  
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. The technical measures taken by the manufacturer must be such as to ensure that the tailpipe and evaporative emissions are effectively limited, pursuant to this Regulation, throughout the normal life of the vehicles under normal conditions of use. For the purpose of this Regulation, the manufacturer is entrusted with the responsibility of ensuring the conformity of production vehicles to the type approved production vehicles and of checking the functionality of the emission control devices on in-use vehicles for a period of up to 5 years of age or 100,000 km.***

*Justification*

*The text is taken directly from Directive 70/220/EEC.*

*In-use compliance requirements (as in Directive 70/220/EEC) and the measures that the type approval authority can impose in the case of non-compliance are strong incentives to ensure the durability of the emission control devices and are more effective than a demonstration at the time of type approval with a test protocol that is not representative for the EU.*

Amendment 11  
ARTICLE 5, PARAGRAPH 1

***1. The manufacturer shall equip vehicles so that the components likely to affect emissions are designed, constructed and*** ~~*deleted*~~

***assembled so as to enable the vehicle, in normal use, to comply with this Regulation and its implementing measures.***

*Justification*

*The durability requirements are already defined by Article 4.*

Amendment 12  
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 information shall be provided, ***with special attention being paid to the specific needs of small and medium-sized enterprises (SMEs).***

*Justification*

*Access on reasonable terms to vehicle repair information for the vast amount of small and medium-sized enterprises in the sector is vital as they cannot afford the highly specialised tools and dedicated information services available to a distributor.*

Amendment 13  
ARTICLE 9, PARAGRAPH 1

1. With effect from [date of entry into force], if a manufacturer so requests, the national authorities may not, on grounds relating to emissions or fuel consumption of motor vehicles, refuse to grant EC type approval or national type approval for a new type of vehicle, or prohibit the registration, sale or entry into service of a new vehicle, where the vehicle concerned complies with this Regulation and its implementing measures.

1. With effect from [date of entry into force] ***of this regulation and its implementing measures***, if a manufacturer so requests, the national authorities may not, on grounds relating to emissions or fuel consumption of motor vehicles, refuse to grant EC type approval or national type approval for a new type of vehicle, or prohibit the registration, sale or entry into service of a new vehicle, where the vehicle concerned complies with this Regulation and its implementing measures.



*Justification*

*Industry requires time to bring new technologies into full production, given the fact that the usual model cycle takes 6 to 7 years. Furthermore, it is only after the publication of the technical requirements, that industry can start developing the necessary technological solutions.*

Amendment 14  
ARTICLE 9, PARAGRAPH 2

2. With effect from [**18 months** plus one day from the date of entry into force], and from [**30 months** from the date of entry into force] in the case of category N1 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.

2. With effect from [**30 months** plus one day from the date of entry into force **of this regulation and its implementing measures**], and from [**42 months** from the date of entry into force **of this regulation and its implementing measures**] in the case of category N1 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.

*Justification*

*Industry requires time to bring new technologies into full production, given the fact that the usual model cycle takes 6 to 7 years. Furthermore, it is only after the publication of the technical requirements, that industry can start developing the necessary technological solutions.*

Amendment 15  
ARTICLE 9, PARAGRAPH 3

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 N1 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

3. With effect from [**48 months** from the date of entry into force **of this regulation and its implementing measures**], and from [**60 months** from the date of entry into force **of this regulation and its implementing measures**] in the case of category N1 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]

the sale and entry into service of such vehicles.

and shall, on grounds relating to emissions or fuel consumption, refuse registration and prohibit the sale and entry into service of such vehicles.

#### *Justification*

*Industry requires time to bring new technologies into full production, given the fact that the usual model cycle takes 6 to 7 years. Furthermore, it is only after the publication of the technical requirements, that industry can start developing the necessary technological solutions.*

#### Amendment 16 ARTICLE 10

***1. For new replacement catalytic 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.***

***1. With effect from the date of entry into force of this Regulation, if a manufacturer so requests, the national authority may not refuse to grant EC type approval for a type of replacement catalytic converter or particulate filter, or prohibit the sale or installation on a vehicle of such parts, if they comply with this Regulation or its implementing measures.***

***2. The national authority shall refuse to grant EC type approval in respect of new types of replacement catalytic converter or particulate filter which do not comply with this Regulation or its implementing measures.***

#### *Justification*

*The Commission text is unclear.*

#### Amendment 17 ARTICLE 12 A (new)

##### *Article 12a*

***At the latest one year after the date referred to in Article 18(1) the Commission shall draw up a program of future legislation in the area falling within the scope of this regulation. The programme shall be based on an extended consultation of all the***

*parties concerned and a thorough impact assessment and shall include a timetable setting out specific targets regarding vehicle emissions. Those targets shall as a minimum include:*

*- a further reduction in hydrocarbon emission limits for positive ignition (PI) engines,*

*- an ambitious reduction in NOx emission limits for compression ignition (CI) engines,*

*- the introduction of particulate number based limit values;*

*The targets shall be drawn up in conjunction with the rules on the reduction of CO<sub>2</sub> emissions from motor vehicles, based on Decision No. 1753/2000/EC of the European Parliament and of the Council.*

#### *Justification*

*The industry should know at the earliest possible moment what the next steps will be and what ambition level they will aim for, taking into account the matureness of technologies, environmental impact and cost-efficiency.*

#### Amendment 18

#### 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, 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 [**66 months** from the date of entry into force of this Regulation **and its implementing measures**].

#### *Justification*

*Adequate deadlines for the repeal of previous directives so as to avoid creating a legal vacuum both in Community legislation and in national law, which would prevent the application of the existing EURO 4 provisions until the new EURO 5 provisions are fully applied to new vehicles.*

Amendment 19  
ARTICLE 18, PARAGRAPH 2

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

2. This Regulation shall apply from [**30 months** + 1 day after entry into force], with the exception of Articles 9(1) and 11.

*Justification*

*To be in line with Article 9.*

## PROCEDURE

<b>Title</b>	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		
<b>References</b>	COM(2005)0683 – C6-0007/2006 – 2005/0282(COD)		
<b>Committee responsible</b>	ENVI		
<b>Opinion by</b> Date announced in plenary	ITRE 19.1.2006		
<b>Enhanced cooperation – date announced in plenary</b>	no		
<b>Drafts(wo)man</b> Date appointed	Ivo Belet 31.1.2006		
<b>Previous drafts(wo)man</b>			
<b>Discussed in committee</b>	20.3.2006	4.5.2006	20.6.2006
<b>Date adopted</b>	20.6.2006		
<b>Result of final vote</b>	+: 28 -: 13 0: 2		
<b>Members present for the final vote</b>	Šarūnas Birutis, Jan Březina, Renato Brunetta, Jerzy Buzek, Joan Calabuig Rull, Pilar del Castillo Vera, Jorgo Chatzimarkakis, Giles Chichester, Den Dover, Lena Ek, Nicole Fontaine, Adam Gierek, Norbert Glante, Umberto Guidoni, András Gyürk, Rebecca Harms, Erna Hennicot-Schoepges, Ján Hudacký, Romana Jordan Cizelj, Anne Laperrouze, Vincenzo Lavarra, Pia Elda Locatelli, Eugenijus Maldeikis, Eluned Morgan, Angelika Niebler, Umberto Pirilli, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Mechtild Rothe, Paul Rübig, Andres Tarand, Britta Thomsen, Patrizia Toia, Catherine Trautmann, Claude Turmes, Nikolaos Vakalis, Alejo Vidal-Quadras Roca, Dominique Vlasto		
<b>Substitute(s) present for the final vote</b>	María del Pilar Ayuso González, Dorette Corbey, Vittorio Prodi, Esko Seppänen		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>			
<b>Comments (available in one language only)</b>			

## PROCEDURE

<b>Title</b>	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				
<b>References</b>	COM(2005)0683 – C6-0007/2006 – 2005/0282(COD)				
<b>Date submitted to Parliament</b>	21.12.2005				
<b>Committee responsible</b> Date announced in plenary	ENVI 19.1.2006				
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary		TRAN 19.1.2006	ITRE 19.1.2006	IMCO 19.1.2006	
<b>Not delivering opinion(s)</b> Date of decision					
<b>Enhanced cooperation</b> Date announced in plenary	IMCO 16.3.2006				
<b>Rapporteur(s)</b> Date appointed	Matthias Groote 29.11.2005				
<b>Previous rapporteur(s)</b>					
<b>Simplified procedure – date of decision</b>					
<b>Legal basis disputed</b> Date of JURI opinion	JURI 13.7.2006	/			
<b>Financial endowment amended</b> Date of BUDG opinion					
<b>European Economic and Social Committee consulted – date of decision in plenary</b>					
<b>Committee of the Regions consulted – date of decision in plenary</b>					
<b>Discussed in committee</b>	29.5.2006				
<b>Date adopted</b>	13.9.2006				
<b>Result of final vote</b>	+	38			
	-	10			
	0	4			
<b>Members present for the final vote</b>	Adamos Adamou, Georgs Andrejevs, Liam Aylward, Irena Belohorská, John Bowis, Frieda Brepoels, Martin Callanan, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Anne Ferreira, Matthias Groote, Françoise Grossetête, Gyula Hegyi, Caroline Jackson, Dan Jørgensen, Christa Klab, Eija-Riitta Korhola, Holger Kraemer, Urszula Krupa, Aldis Kušks, Marie-Noëlle Lienemann, Peter Liese, Jules Maaten, Linda McAvan, Marios Matsakis, Riitta Myller, Péter Olajos, Miroslav Ouzký, Dimitrios Papadimoulis, Vittorio Prodi, Dagmar Roth-Behrendt, Guido Sacconi, Richard Seeber, Kathy Sinnott, Jonas Sjøstedt, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Anders Wijkman				
<b>Substitute(s) present for the final vote</b>					
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Bairbre de Brún, Hélène Goudin, Rebecca Harms, Jutta D. Haug, Miroslav Mikolášik, Bart Staes, Claude Turmes, Thomas Wise				

<b>Date tabled</b>	21.9.2006
<b>Comments (available in one language only)</b>	...