

Proposal for a Directive of the European Parliament and of the Council amending Council Directives 70/156/EEC and 80/1268/EEC as regards the measurement of carbon dioxide emissions and fuel consumption of N₁ vehicles

(2002/C 51 E/12)

(Text with EEA relevance)

COM(2001) 543 final — 2001/0255(COD)

(Submitted by the Commission on 24 October 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Council Directive 80/1268/EEC of 16 December 1980 relating to the carbon dioxide emissions and fuel consumption of motor vehicles ⁽¹⁾ is one of the separate Directives under the type-approval procedure laid down by Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽²⁾.
- (2) The Communication from the Commission to the Council and the European Parliament on EU policies and measures to reduce greenhouse gas emissions: towards a European Climate Change Programme (ECCP) ⁽³⁾, proposes an implementation strategy to reduce the emission of greenhouse gases, including measures in the transport sector. The Green paper 'Towards a European strategy for the security of energy supply' ⁽⁴⁾ likewise calls for efforts to improve fuel economy of motor vehicles.
- (3) Under the Community strategy to reduce CO₂ emissions from passenger cars, as outlined in the Communication from the Commission to the Council and the European Parliament — A community strategy to reduce CO₂ emissions from passenger cars and improve fuel economy ⁽⁵⁾, the harmonised measurement methodology, as laid down in Directive 80/1268/EEC, has been used as a basic instrument. With a view to permitting subsequent measures to reduce fuel consumption and CO₂ emissions in the sector of light commercial vehicles, it is necessary to extend the scope of that Directive to include vehicles of category N₁ as well.
- (4) As referred to in Decision No 1753/2000/EC of the European Parliament and the Council of 22 June 2000 establishing a scheme to monitor the average specific emissions of CO₂ from new passenger cars ⁽⁶⁾, the Commission has carried out a study to investigate the possibilities and implications of a harmonised procedure for measuring the specific CO₂ emissions from vehicles of category N₁. In this respect, it is considered technically acceptable and most cost-effective to apply the existing emissions test of Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles ⁽⁷⁾, also for the measurement of fuel consumption and CO₂ emissions for that category of vehicles.

⁽¹⁾ OJ L 375, 31.12.1980, p. 36; Directive as last amended by Commission Directive 1999/100/EC (OJ L 334, 28.12.1999, p. 36).

⁽²⁾ OJ L 42, 23.2.1970, p. 1; Directive as last amended by Directive 2000/40/EC of the European Parliament and of the Council (OJ L 203, 10.8.2000, p. 9).

⁽³⁾ COM(2000) 88 final.

⁽⁴⁾ COM(2000) 769 final.

⁽⁵⁾ COM(1995) 689 final.

⁽⁶⁾ OJ L 202, 10.8.2000, p. 1.

⁽⁷⁾ OJ L 76, 6.4.1970, p. 1; Directive as last amended by Directive 2001/1/EC of the European Parliament and of the Council (OJ L 35, 6.2.2001, p. 34).

- (5) Many small volume manufacturers buy from suppliers engines which are type-approved with respect to emissions according to Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emissions 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 liquified petroleum gas for use in vehicles⁽¹⁾. A considerable number of those manufacturers do not have the necessary infrastructure or expertise to perform the exhaust or CO₂ emissions testing. It is therefore necessary to grant an exemption for small volume manufacturers, since the additional costs they would have to incur in order to comply with this Directive would be disproportionately high.
- (6) Those measures also have an impact on provisions in the annexes to Directive 70/156/EEC.
- (7) Directives 70/156/EEC and 80/1268/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Row 39 of Part I of Annex IV to Directive 70/156/EEC is replaced by the following:

Subject	Directive number	Official Journal reference	M ₁	M ₂	M ₃	N ₁	N ₂	N ₃	O ₁	O ₂	O ₃	O ₄
39. Fuel consumption	80/1268/EEC	L 375, 31.12.1980, p. 36	X			X						

Article 2

Annex I to Directive 80/1268/EEC is amended as set out in the Annex to this Directive.

- (b) shall refuse to grant national type-approval, except where the provisions of Article 8(2) of Directive 70/156/EEC are invoked,

Article 3

1. With effect from 1 May 2003 for vehicles of category N₁, Member States may not, on grounds relating to the emission of carbon dioxide or to fuel consumption:

- (a) refuse, in respect of any given type of motor vehicle, to grant EC type-approval or national type-approval;
- (b) prohibit the registration, sale or entry into service of vehicles pursuant to Article 7 of Directive 70/156/EEC;

if the CO₂ emission and fuel consumption figures have been determined in accordance with the requirements of Directive 80/1268/EEC, as amended by this Directive.

2. With effect from 1 July 2003, for a new type of vehicle of category N₁, Member States:

- (a) shall no longer grant EC type-approval pursuant to Article 4(1) of Directive 70/156/EEC, and

if the CO₂ emission and fuel consumption figures have not been determined in accordance with the requirements of Directive 80/1268/EEC, as amended by this Directive.

3. With effect from 1 January 2006 for vehicles of category N₁, Class I, and with effect from 1 January 2007 for vehicles of category N₁, Class II and Class III, Member States shall:

- (a) consider certificates of conformity which accompany new vehicles pursuant to Directive 70/156/EEC to be no longer valid for the purpose of Article 7(1) of that Directive,
- (b) refuse the registration, sale or entry into service of new vehicles which are not accompanied by a valid certificate of conformity pursuant to Directive 70/156/EEC, except where the provisions of Article 8(2) are invoked,

if the CO₂ emission and fuel consumption figures have not been determined in accordance with the requirements of Directive 80/1268/EEC, as amended by this Directive.

⁽¹⁾ OJ L 36, 9.2.1988, p. 33; Directive as last amended by Commission Directive 2001/27/EC (OJ L 107, 18.4.2001, p. 10).

Article 4

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 April 2003 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 5

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 6

This Directive is addressed to the Member States.

ANNEX

Annex I to Directive 80/1268/EEC is amended as follows:

1. Point 1 is replaced by the following:

‘1. SCOPE

This Directive applies to the measurement of carbon dioxide emissions and fuel consumption of motor vehicles of category M₁ and N₁.

It does not apply to a type of N₁ vehicle if both:

- the engine type fitted to that type of vehicle has received type-approval pursuant to Directive 88/77/EEC, and
- the total annual world-wide production of N₁ vehicles of the manufacturer is less than 2 000 units.’

2. Point 2.3 is replaced by the following:

‘2.3 For the test described in point 6, a vehicle representative of the vehicle type to be approved will be submitted when the technical service responsible for the type-approval tests carries out the tests itself. For M₁ vehicles and N₁ vehicles, type-approved with respect to their emissions according to Directive 70/220/EEC, the technical service will check during the test that this vehicle conforms to the limit values applicable to that type, as described in Directive 70/220/EEC.’

3. In point 6.1 the following paragraph is added:

‘Vehicles which do not attain the acceleration and maximum speed values required in the operating cycle must be operated with the accelerator control fully depressed until they once again reach the required operating curve. Deviations from the operating cycle must be recorded in the test report.’
