Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) (Text with EEA relevance)

[[F1]REGULATION (EC) No 715/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 June 2007

on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6)**]**

(Text with EEA relevance)

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 European Economic and Social Committee[(1)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

Whereas:

(1) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital must be ensured. To that end a comprehensive Community type approval system for motor vehicles, established 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[(3)], is in place. The technical requirements for the type approval of motor vehicles with regard to emissions should therefore be harmonised to avoid requirements that differ from one Member State to another, and to ensure a high level of environmental protection.

(2) This Regulation is one of a number of separate regulatory acts in the context of the Community type approval procedure under Directive 70/156/EEC. Therefore, that Directive should be amended accordingly.

(3) At the request of the European Parliament a new regulatory approach has been introduced in EU vehicle legislation. Thus, this Regulation lays down fundamental provisions on vehicle emissions, whereas the technical specifications will be laid down by implementing measures adopted following comitology procedures.

(4) In March 2001 the Commission launched the Clean Air For Europe (CAFE) programme, the major elements of which are outlined in a communication of 4 May 2005. This has led to the adoption of a thematic strategy on air pollution by a communication of 21 September 2005. One of the conclusions of the thematic strategy

is that further reductions in emissions from the transport sector (air, maritime and land transport), from households and from the energy, agricultural and industrial sectors are needed to achieve EU air quality objectives. In this context, the task of reducing vehicle emissions should be approached as part of an overall strategy. The Euro 5 and 6 standards are one of the measures designed to reduce emissions of particulate matter and ozone precursors such as nitrogen oxides and hydrocarbons.

(5) Achieving EU air quality objectives requires a continuing effort to reduce vehicle emissions. For that reason, industry should be provided with clear information on future emission limit values. This is why this Regulation includes, in addition to Euro 5, the Euro 6 stage of emission limit values.

(6) In particular, a considerable 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 at the Euro 6 stage without being obliged to forego the advantages of diesel engines in terms of fuel consumption and hydrocarbon and carbon monoxide emissions. Setting such a step for reducing nitrogen oxide emissions at an early stage will provide long-term, Europe-wide planning security for vehicle manufacturers.

(7) 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 impact on carbon dioxide emissions.

(8) Unrestricted access to vehicle repair information, via a standardised format which can be used to retrieve the technical information, and effective competition on the market for vehicle repair and maintenance information services are necessary to improve the functioning of the internal market, particularly as regards the free movement of goods, freedom of establishment and freedom to provide services. A great proportion of such information is related to on-board diagnostic (OBD) systems and their interaction with other vehicle systems. It is appropriate to lay down technical specifications that manufacturers' websites should 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[(4)] format, can facilitate the exchange of information between manufacturers and service providers. It is therefore appropriate to initially require the use of the technical specifications of the OASIS format and to ask the Commission to request CEN/ISO to further develop this format into a standard with a view to replacing the OASIS format in due course.

(9) Not later than four years after the date of entry into force of this Regulation, the Commission should review the operation of the system of access to all vehicle repair and maintenance information with a view to determining whether it would be appropriate to consolidate all provisions governing access to vehicle repair and maintenance information within a revised framework Directive on type approval. If the provisions governing access to all vehicle information are incorporated into that Directive, the

corresponding provisions in this Regulation should be repealed, as long as the existing rights for access to repair and maintenance information are preserved.

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

(11) In order to facilitate the introduction and to maintain the existence of alternative fuel vehicles, which can have low nitrogen oxide and particulate emissions, and at the same time to encourage reduced emissions from petrol-powered vehicles, this Regulation introduces separate limit values for total hydrocarbons and total non-methane hydrocarbons.

(12) Efforts should be continued to implement stricter emission limits, including reduction of carbon dioxide emissions, and to ensure that those limits relate to the actual performance of vehicles when in use.

(13) In order to ensure that emissions of ultra fine particulate matter (PM 0,1 μm and below) are controlled, the Commission should adopt as soon as possible, and introduce at the latest upon entry into force of the Euro 6 stage, a number based approach to emissions of PM in addition to the mass based approach which is currently used. The number based approach to emissions of PM should draw on the results of the UN/ECE's Particulate Measurement Programme (PMP) and be consistent with the existing ambitious objectives for the environment.

(14) To provide greater repeatability in measuring the mass and number of particulate emissions in the laboratory, the Commission should adopt a new measurement procedure replacing the current one. This should be introduced as soon as possible and at the latest upon entry into force of the Euro 6 stage. It should be based on the results of the PMP. When the new measurement procedure is implemented, the PM mass emission limits set out in this Regulation should be recalibrated, as the new procedure records a lower level of mass than the current one.

(15) The Commission should keep under review the need to revise the New European Drive Cycle as the test procedure that provides the basis of EC type approval emissions regulations. Updating or replacement of the test cycles may be required to reflect changes in vehicle specification and driver behaviour. Revisions may be necessary to ensure that real world emissions correspond to those measured at type approval. The use of portable emission measurement systems and the introduction of the ‘not-to-exceed’ regulatory concept should also be considered.

(16) OBD systems are important in the control of emissions during the use of a vehicle. Due to the importance of controlling real world emissions, the Commission should keep under review the requirements for such systems and the tolerance thresholds for monitoring faults.

(17) A standardised method of measuring fuel consumption and carbon dioxide emissions of vehicles is necessary to ensure that no technical barriers to trade arise between Member

States. Furthermore, it is also necessary to ensure that customers and users are supplied with objective and precise information.

(18) Before drawing up a proposal for future emission standards, the Commission should set up studies designed to determine whether the continued subdivision of vehicle categories into groups is still necessary and whether mass neutral emission limits can be applied.

(19) Member States should be able, by means of financial incentives, to accelerate the placing on the market of vehicles which satisfy the requirements adopted at Community level. However, such incentives should comply with the provisions of the Treaty, in particular the rules on state aid. This is in order to avoid distortions of the internal market. This Regulation should not affect the Member States' right to include emissions in the basis for calculating taxes levied on vehicles.

(20) Given that the legislation on vehicle emissions and fuel consumption has developed over more than 35 years and is now spread over more than 24 Directives, it is advisable to replace those Directives by a new regulation and a number of implementing measures. A regulation will ensure that the detailed technical provisions are directly applicable to manufacturers, approval authorities and technical services and that they can be updated in a much faster and more efficient way. Directives 70/220/EEC[(5)], 72/306/EEC[(6)], 74/290/EEC[(7)], 80/1268/EEC[(8)], 83/351/EEC[(9)], 88/76/EEC[(10)], 88/436/EEC[(11)], 89/458/EEC[(12)], 91/441/EEC[(13)], 93/59/EEC[(14)], 94/12/EC[(15)], 96/69/EC[(16)], 98/69/EC[(17)], 2001/1/EC[(18)], 2001/100/EC[(19)] and 2004/3/EC[(20)] should therefore be repealed. In addition, the Member States should also repeal the transposing legislation of the repealed Directives.

(21) In order to clarify the scope of legislation on vehicle emissions, 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[(21)] should be amended in such a way as to cover all heavy-duty vehicles so as to make clear that this Regulation concerns light-duty vehicles.

(22) To ensure a smooth transition from the existing Directives to this Regulation, the applicability of this Regulation should be deferred by a certain period after its entry into force. However, during that period manufacturers should be able to choose to have vehicles approved under either the existing Directives or this Regulation. Moreover, the provisions on financial incentives should be applicable immediately after the entry into force of this Regulation. The validity of type approvals granted under the existing Directives is not to be affected by the entry into force of this Regulation.

(23) To ensure a smooth transition from the existing Directives to this Regulation, certain exceptions for vehicles designed to fulfil specific social needs should be foreseen in the Euro 5 stage. These exceptions should cease with the entry into force of the Euro 6 stage.

(24) The measures necessary for the implementation 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[(22)].

(25) In particular, power should be conferred on the Commission to introduce particle number based limit values in Annex I, as well as to recalibrate the particulate mass based limit values set out in that Annex. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(26) Power should also be conferred on the Commission to establish specific procedures, tests and requirements for type approval, as well as a revised measurement procedure for particulates and a particle number based limit value, and to adopt measures concerning the use of defeat devices, access to vehicle repair and maintenance information and test cycles used to measure emissions. Since those measures are of general scope and are designed to supplement this Regulation by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(27) Since 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 and maintenance information for independent operators on the same basis as for authorised dealers and repairers, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, 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 in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

Textual Amendments

F1 Substituted by Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (Text with EEA relevance).