COMMISSION DIRECTIVE 96/44/EC

of 1 July 1996

adapting to technical progress Council Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles [1], as last amended by Directive 94/12/EC [2], and in particular Article 5 thereof,

Whereas Council Directive 70/220/EEC is one of the separate directives of the EEC type-approval procedure which has been established by Council Directive 70/156/EEC [3], as last amended by Commission Directive 95/54/EC [4]; whereas, consequently, the provisions laid down in Directive 70/156/EEC relating to the vehicle systems, components and separate technical units apply to this Directive;

Whereas Directive 70/220/EEC lays down the specifications for the testing of the emissions of the motor vehicles covered by its scope, whereas, in view of the experience gained and the state of the art of the laboratory techniques it appears appropriate to adapt these specifications accordingly;

Whereas it is equally appropriate to align the test conditions of Directive 70/220/EEC with those of Council Directive 80/1268/EEC of 16 December 1980 on the approximation of the laws of the Member States relating to the emissions of carbon dioxide and the fuel consumption of motor vehicles [5], as last amended by Commission Directive 93/116/EC [6], in particular as far as the relationship between the reference mass of the vehicle and the equivalent inertia which is to be used, is concerned;

Whereas this Directive shall bring the provisions of the use of the equivalent inertia of Directive 70/220/EEC into accordance with the provisions of Directive 80/1268/EEC and the wording of the information document and the type-approval certificate of Directive 70/220/EEC into accordance with the wording of Directive 70/156/EEC;

Whereas these amendments relate only to the administrative provisions and the techniques of emissions measurement contained in the Directive; whereas it is not necessary therefore to invalidate existing approvals to the Directive nor to prevent the registration, sale and entry into service of new vehicles covered by such approvals;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress established by Directive 70/156/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annexes to Directive 70/220/EEC are amended in accordance with the Annex to this Directive.

Article 2

With effect from 1 January 1997, Member States may no longer grant:

— EEC type-approval pursuant to Article 4 (1) of Directive 70/156/EEC, or

— national type-approval, unless the provisions of Article 8 (2) of Directive 70/156/EEC are invoked,

for a new type of vehicle on grounds relating to air pollution by emissions if it fails to comply with the provisions of Directive 70/220/EEC.

This Directive will not invalidate any approval previously granted under Directive 70/220/EEC, nor prevent extension of such approvals under the terms of the Directive under which they were originally granted.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1996. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The procedure for such reference shall be adopted by the Member States.

[1] OJ No L 76, 6. 4. 1970, p. 1.
[2] OJ No L 100, 19. 4. 1994, p. 42.
[3] OJ No L 42, 23. 2. 1970, p. 1.
[4] OJ No L 266, 8. 11. 1995, p. 1.
[5] OJ No L 375, 31. 12. 1980, p. 36.
[6] OJ No L 329, 30. 12. 1993, p. 39.

2. Member States shall communicate to the Commission the texts of the main procedure of the national law that they adopt in the field governed by this Directive.

Article 4

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities.*

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 1 July 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

AMENDMENTS TO THE ANNEXES TO DIRECTIVE 70/220/EEC

1. A list of annexes is inserted between the Articles and Annex I to read as follows:

'LIST OF ANNEXES

ANNEX I:	Scope, definitions, application for EEC type-approval, granting of EEC type-approval, requirements and tests, modifications of the type, conformity of production, transitional provisions
ANNEX II:	Information document
	Appendix: Information on test conditions
ANNEX III:	Type I test (verifying the average emission of tailpipe emissions after a cold start)
	Appendix 1: Operating cycle used for the type I test
	Appendix 2: Chassis dynamometer
	Appendix 3: Measurement method on the road-simulation on a chassis dynamometer
	Appendix 4: Verification of inertias other than mechanical
	Appendix 5: Description of tailpipe emission-sampling systems
	Appendix 6: Method of calibrating the equipment
	Appendix 7: Total system verification
	Appendix 8: Calculation of the emission of pollutants
ANNEX IV:	Type II test (carbon monoxide emission test at idling speed)
ANNEX V:	Type III test (verifying emissions of crankcase gases)
ANNEX VI:	Type IV test (determination of evaporative emissions from vehicles with spark-ignition engines)
	Appendix: Calibration of equipment for evaporative emission testing
ANNEX VII:	Type V test (ageing test for verifying the durability of anti-pollution devices)
ANNEX VIII:	Specifications and reference fuels
ANNEX IX:	EEC type-approval certificate
	Appendix: Addendum'.

Annex I:

2. The headline of Annex I reads as follows:

'Scope, definitions, application for EEC type-approval, granting of EEC type-approval, requirements and tests, modifications of the type, conformity of production, transitional provisions'

3. Section 1: The first sentence reads as follows:

'This Directive applies to

— the tailpipe emissions, evaporative emissions, emissions of crankcase gases and the durability of anti-pollution devices for all motor vehicles equipped with positive-ignition engines

and

— the tailpipe emissions and the durability of anti-pollution devices from vehicles of categories M_1 and N_1 (1) equipped with compression-ignition engines

covered by Article 1 of Directive 70/220/EEC in the version of Council Directive 83/351/EEC (*), with the exception of those vehicles of category N_1 for which type-approval has been granted pursuant to Council Directive 88/77/EEC (**).

(*) OJ No L 197, 20. 7. 1983, p. 1.
(**) OJ No L 36, 9. 2. 1988, p. 33.'

4. Footnote (1) reads as follows:

'(1) As defined in Annex II A to Directive 70/156/EEC.'

5. Section 3.2 reads as follows:

'3.2. A model for the information document is given in Annex II.'

6. Section 3.2.1 is deleted.

7. Section 3.2.2 is deleted.

8. Section 3.2.3 becomes Section 3.2.1 and reads as follows:

'3.2.1. Where appropriate, copies of other type-approvals with the relevant data to enable extensions of approvals and establishment of deterioration factors shall also be submitted.'

9. A new Section 4.3 is added after Section 4.2 to read:

'4.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of vehicle approved. The same Member State shall not assign the same number to another type of vehicle.'

10. Figure I.5.2: 'mass' is replaced by 'maximum mass'.

11. Section 5.3.1.4:

— The first sentence reads as follows:

'Subject to the requirements of 5.3.1.5 the test must be repeated three times.'

— Section 5.3.1.4.1: The footnote (1) is deleted.

— Section 5.3.1.4.2 is deleted.

— Figure I.5.3 is replaced by the new figure:

Figure I.5.3

Flow chart for the type I type-approval
(see section 5.3.1)

