II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 93/59/EEC

of 28 June 1993

amending 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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas it is important to adopt measures within the context of the internal market; whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas the first programme of action of the European Communities on protection of the environment, approved on 22 November 1973 (4), called for account to be taken of the latest scientific advances in combating atmospheric pollution caused by gases emitted from motor vehicles and for directives adopted previously to be amended accordingly; whereas the third programme of action, approved on 7 February 1983 (5), provides for additional efforts to be made to reduce substantially the present level of emissions of pollutants from motor vehicles;

Whereas Directive 70/220/EEC (6) is one of the separate directives of the EEC type-approval procedure which has been 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 (7);

Whereas Directive 70/220/EEC lays down the limit values for carbon monoxide and unburnt hydrocarbon emissions from the engines of such vehicles; whereas these limit values were first reduced by Directive 74/290/EEC (8) and supplemented, in accordance with Directive 77/102/EEC (9) by limit values for permissible emissions of nitrogen oxides; whereas the limit values for these three types of pollution were successively reduced by Directives 78/665/EEC (10), 83/351/EEC (11) and 88/76/EEC (12), limit values for particulate pollutant emissions from diesel engines were introduced by Directive 88/436/EEC (13) and more stringent European standards for the emissions of gaseous pollutants of cars below 1 400 cm^3 by Directive 89/458/EEC (14); whereas these standards have been

(1) OJ No C 100, 22. 4. 1992, p. 7.
(2) OJ No C 305, 23. 11. 1992, p. 120 and OJ No No C 176, 28. 6. 1993.
(3) OJ No C 313, 30. 11. 1992, p. 11.
(4) OJ No C 112, 20. 12. 1973, p. 1.
(5) OJ No C 46, 17. 2. 1983, p. 1.
(6) OJ No L 76, 6. 4. 1970, p. 1. Directive as last amended by Directive 91/441/EEC (OJ No L 242, 30. 8. 1991, p. 1).
(7) OJ No L 42, 23. 2. 1970, p. 1. Directive as last amended by Directive 92/53/EEC (OJ No L 225, 10. 8. 1992, p. 1).
(8) OJ No L 159, 15. 6. 1974, p. 61.
(9) OJ No L 32, 3. 2. 1977, p. 32.
(10) OJ No L 223, 14. 8. 1978, p. 48.
(11) OJ No L 197, 20. 7. 1983, p. 1.
(12) OJ No L 36, 9. 2. 1988, p. 1.
(13) OJ No L 214, 6. 8. 1988, p. 1.
(14) OJ No L 226, 3. 8. 1989, p. 1.

extended to all cars independently of their engine capacity on the basis of an improved European test procedure including an extra-urban driving cycle and requirements relating to the evaporative emissions and to the durability of emission-related vehicle components as well as more stringent particulate pollutant standards for cars equipped with diesel engines which were introduced by Directive 91/441/EEC;

Whereas the stringent European standards apply only to passenger cars designed to carry no more than six occupants and having a maximum mass of not more than 2 500 kg; whereas the transitional provisions relating to the other vehicle categories covered by Directive 70/220/EEC, in particular to light commercial vehicles, provide for less stringent standards;

Whereas the environmental impact of the more stringent standards would be greatly increased and speeded up if the Member States were to grant tax incentives for the purchase of new vehicles which comply in advance with the standards set out in this Directive;

Whereas it is generally agreed that future transport developments in the Community will be accompanied by an increase in pollution of the environment; whereas hitherto official forecasts of increases in traffic density have been exceeded by actual developments; whereas, therefore, very stringent exhaust emission standards must be laid down for all motor vehicles;

Whereas a special R & D effort to reduce air pollution from motor vehicles may be a decisive factor in improving the competitiveness of the European motor industry;

Whereas the Commission has the task of regularly evaluating the latest scientific progress enabling the permitted limit values for air pollution from motor vehicles to be lowered and allowing the appropriate reduction measures to be proposed after consultation with the Motor Vehicle Emissions Group;

Whereas in the next stage to reduce limit values for light commercial vehicles, and subject to appropriate technical evaluation, vehicle categories II and III could be amalgamated and specific limit values applying to the control of production conformity should be deleted;

Whereas the work undertaken by the Commission in this field has shown that Community industry has available, or is currently perfecting, technologies which allow the vehicles concerned by this Directive to comply with standards which are as severe as those for passenger cars taking into account the specific conditions of such vehicles; whereas the proposed standard should be implemented as soon as possible in order to ensure the consistency of the measures taken by the Community against air pollution by road traffic,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I, III, IV, V and IX to Directive 70/220/EEC are hereby amended in accordance with the Annex to this Directive.

Article 2

1. As from 1 October 1993 no Member State may, on grounds relating to air pollution by their emissions:

— refuse to grant EEC type-approval, to issue the document referred to in the last indent of Article 10 (1) of Directive 70/156/EEC, or to grant national type-approval for a type of motor vehicle, or

— prohibit the initial entry into service of motor vehicles,

if emissions from that type of motor vehicle or from such vehicles meet the provisions of Directive 70/220/EEC, as amended by this Directive.

2. From 1 October 1993 Member States:

— may no longer grant EEC type-approval or issue the document provided for in the last indent of Article 10 (1) of Directive 70/156/EEC for a type of motor vehicle,

— must refuse national type-approval for a type of motor vehicle,

the emissions from which do not meet the requirements of the Annexes to Directive 70/220/EEC, as amended by this Directive.

3. From 1 October 1994 Member States shall prohibit the initial entry into service of vehicles the emissions from which do not meet the requirements of the Annexes to Directive 70/220/EEC, as amended by this Directive.

Article 3

Member States may make provision for tax incentives only in respect of motor vehicles which comply with this Directive. Such incentives must comply with the provisions of the Treaty and, in addition, must meet the following conditions:

— they must apply all new vehicles which are offered for sale on the market of a Member State and which meet, in advance, the requirements of this Directive,

— they shall cease upon the dates set in Article 2 (3) for the compulsory entry into force of the emission values for new vehicles,

— they shall be of a value, for each type of vehicle, substantially lower than the actual cost of the equipment fitted to meet the values set and of its fitting on the vehicle.

The Commission shall be informed of any plans to introduce or amend the tax incentives referred to in the first subparagraph in sufficient time of allow it to submit comments.

Article 4

The Council, acting under the conditions laid down in the Treaty, shall decide before 31 December 1994, on a proposal which the Commission will submit before 31 December 1993 on a further reduction in limit values.

The reduced limit values shall not apply until 1 January 1996 for new type-approvals of vehicles of category I and not until 1 January 1997 for vehicles of categories II and III as specified in the table in item 5.3.1.4 of Annex I to Directive 70/220/EEC, as amended by this Directive; they may serve as a basis for tax incentives as from the adoption of the new Directive.

The increased limit values for control of production (as specified in the table under item 7.1.1 of Annex I) shall cease to apply from the dates of application of the reduced limit values laid down in the second paragraph.

Article 5

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 30 September 1993. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

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

Article 6

This Directive is addressed to the Member States.

Done at Luxembourg, 28 June 1993.

For the Council

The President

S. AUKEN