II

(Acts uhose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 26 June 1991

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

(91/441/EEC)

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 with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market shall comprise 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 the protection of the environment, approved by the Council on 22 November 1973, 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 provides for additional efforts to be made to reduce considerably the present level of emissions of pollutants from motor vehicles;

Whereas Directive 70/220/EEC (4), as last amended by Directive 89/491/EEC (5), 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 (6) and supplemented, in accordance with Directive 77/102/EEC (7), by limit values for permissible emissions of nitrogen oxides; whereas the limit values for these three pollutions were successively reduced by Directives 78/665/EEC (8), 83/351/EEC (9) and 88/76/EEC (10), limit values for particulate pollutant emissions from diesel engines were introduced by Directive 88/436/EEC (11) and more stringent European standards for cars below 1 400 cm^3 by Directive 89/458/EEC (12);

Whereas the work undertaken by the Commission in that sphere has shown that the Community has available, or is currently perfecting, technologies which allow a drastic reduction of the limit values in question for all engine sizes;

Whereas, since more stringent emission standards have been laid down by Directive 89/458/EEC for cars below 1 400 cm^3, it is now necessary, in accordance with Article 5 of this Directive, to align the limit values for the emissions of cars with an engine capacity equal to or more than 1 400 cm^3 to these standards at the same application dates and on the basis of an improved European test procedure including an extra-urban driving sequence;

Whereas it appears appropriate at the same time to lay down requirements relating to the evaporative emis-

(1) OJ No C 81, 30. 3. 1990, p. 1 and OJ No C 281, 9. 11. 1990, p. 9.
(2) OJ No C 260, 15. 10. 1990, p. 93 and OJ No C 183, 15. 7. 1991.
(3) OJ No C 225, 19. 9. 1990, p. 7.
(4) OJ No L 76, 6. 4. 1970, p. 1.
(5) OJ No L 238, 15. 8. 1989, p. 43.
(6) OJ No L 159, 15. 6. 1974, p. 61.
(7) OJ No L 32, 3. 2. 1977, p. 32.
(8) OJ No L 223, 14. 8. 1978, p. 48.
(9) OJ No L 197, 20. 7. 1983, p. 1.
(10) OJ No L 36, 9. 2. 1988, p. 1.
(11) OJ No L 214, 6. 8. 1988, p. 1.
(12) OJ No L 226, 3. 8. 1989, p. 1.

sions and to the durability of emission-related vehicle components and to introduce, in accordance with Article 4 of Directive 88/436/EEC, the second stage of the standards for particulate pollutant emissions for cars equipped with diesel engines, thus consolidating the requirements of the European Community relating to the emissions of air pollutants from passenger cars; whereas the durability test should be based on 80 000 kilometres driven and should be carried out using a procedure involving vehicles which are actually driven on a test track or chassis dynamometer;

Whereas in order to allow the European environment to benefit to the maximum from these provisions and at the same time ensure the unity of the market, it appears necessary to implement the more stringent European standards based on total harmonization;

Whereas the new standards and the test procedure should be laid down in the light of future developments in traffic in the European Community; whereas completion of the internal market is likely to lead to an increase in vehicle registrations, which will result in an increase in pollutant emissions;

Whereas in view of the major role played by pollutant emissions from motor vehicles and their contribution to the gases responsible for the greenhouse effect, their emissions of CO_2 in particular must be stabilized and subsequently reduced in line with the decision of the Governing Council of the United Nations Environment Programme (UNEP) of 24 May 1989, and in particular point 11 (d) thereof;

Whereas the Commission shall submit a proposal for a Directive on the measures to reduce evaporation losses at every stage in the process of storage and distribution of motor fuels;

Whereas there is also an urgent need to improve significantly the quality of fuel at filling stations;

Whereas the introduction of tougher standards would also be speeded up if the Member States introduced a system to encourage purchasers of new vehicles to have their old vehicles scrapped or, as fas as possible, recycled;

Whereas it is desirable that the Member States take measures to ensure that, as far as possible, older vehicles are fitted with exhaust gas cleaning devices;

Whereas the environmental impact of the more stringent standards would be greatly increased and speeded up if the Member States were to grant, after 31 December 1992, tax incentives for the purchase and installation on vehicles already in service of equipment which will ensure that the standards set out in this Directive are complied with;

Whereas the constant increase in environmental pollution caused by the rapid increase in traffic in the Community necessitates not only the adoption of limit values and tougher standards but also the development of alternative propulsion systems and transport concepts; whereas the Community should take steps to provide financial support for research and development for alternative transport concepts, propulsion systems and fuels taking into account the requirements of environmental compatibility;

Whereas, therefore, in order to maximize the impact of the standards set out in this Directive, the Council, acting by a qualified majority on a proposal from the Commission, shall decide before 31 December 1992 on measures designed to:

— limit CO_2 emissions,

— adapt the emission standards (and the related tests) for vehicles not covered by this Directive, including all commercial vehicles,

— lay down regular inspections and procedures for replacing, repairing or maintaining the equipment fitted in order to meet the values laid down,

— implement a research and development programme to encourage the marketing of clean vehicles and fuels.

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annexes to Directive 70/220/EEC are replaced by the Annexes to this Directive.

Article 2

1. From 1 January 1992 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 (1), as last amended by Directive 87/403/EEC (2), or to grant national type-approval for a type of motor vehicle,

or

— prohibit the initial entry into service of motor vehicles,

(1) OJ No L 42, 23. 2. 1970, p. 1.
(2) OJ No L 220, 8. 8. 1987, p. 44.

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 July 1992, 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;

— shall 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 31 December 1992, 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 for the vehicles covered by this Directive. Such incentives shall meet the provisions of the Treaty as well as the following conditions:

— they shall apply to all domestic car production and to vehicles imported for marketing in a Member State and fitted with equipment allowing the European standards to be met in 1992 to be satisfied ahead of time,

— 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 to allow it to submit comments.

Article 4

The Council, acting under the conditions laid down in the Treaty, shall decide before 31 December 1993 on a proposal which the Commission, taking into account technical progress, will sumit before 31 December 1992 on a further reduction in limit values.

The reduced limit values shall not apply before 1 January 1996 for new type-approvals; they may serve as a basis for tax incentives as from the adoption of the new Directive.

Article 5

Acting by a qualified majority on a proposal from the Commission, which will take account of the results of the work in progress on the greenhouse effect, the Council shall decide on measures designed to limit CO_2 emissions from motor vehicles.

Article 6

The Commission shall confirm in an additional technical report at the beginning of 1991 the validity of the alternative European durability test [1], which shall be at least as stringent as the durability test defined in Annex VII and shall be more representative of driving conditions in Europe. Where necessary, the accelerated ageing test [1] may be amended on a proposal from the Commission, in accordance with the procedure of the Committee on Adaptation to Technical Progress, by the end of 1991.

Article 7

1. Member States shall bring into force the laws, regulations and administrative provisions necessary in order to comply with this Directive by 1 January 1992. They shall forthwith inform the Commission thereof.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or 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.

Article 8

This Directive is addressed to the Member States.

Done at Luxembourg, 26 June 1991.

For the Council
The President
R. STEICHEN

[1] OJ No C 81, 30. 3. 1990 (Annex VII on pp. 98-101).

ANNEX I

SCOPE, DEFINITIONS, APPLICATION FOR EEC TYPE-APPROVAL, EEC TYPE-APPROVAL, REQUIREMENTS AND TESTS, EXTENSION OF EEC TYPE-APPROVAL, CONFORMITY OF PRODUCTION, TRANSITIONAL PROVISIONS

1. SCOPE

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 to the tailpipe emissions and 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 Directive 83/351/EEC (2), with the exception of those vehicles of category N_1 for which type-approval has been granted pursuant to Directive 88/77/EEC (3).

At the request of the manufacturers, type-approval pursuant to this Directive may be extended from M_1 or N_1 vehicles equipped with compression ignition engines which have already been type-approved, to M_2 and N_2 vehicles having a reference mass not exceeding 2 840 kg and meeting the conditions of section 6 of this Annex (extension of EEC type-approval).

2. DEFINITIONS

For the purposes of this Directive:

2.1. 'Vehicle type' with regard to the tailpipe emissions from the engine, means a category of power-driven vehicles which do not differ in such essential respects as:

2.1.1. the equivalent inertia determined in relation to the reference mass as prescribed in section 5.1 of Annex III; and

2.1.2. the engine and vehicle characteristics as defined in Annex II.

2.2. 'Reference mass' means the mass of the vehicle in running order less the uniform mass of the driver of 75 kg and increased by a uniform mass of 100 kg.

2.2.1. 'Mass of the vehicle in running order' means the mass defined in section 2.6 of Annex I to Directive 70/156/EEC.

2.3. 'Maximum mass' means the mass defined in section 2.7 of Annex I to Directive 70/156/EEC.

2.4. 'Gaseous pollutants' means the exhaust gas emissions of carbon monoxide, hydrocarbons (assuming a ratio of $C_1H_{1,85}$), and oxides of nitrogen, expressed in nitrogen dioxide (NO_2) equivalent.

2.5. 'Particulate pollutants' means components of the exhaust gas which are removed from the diluted exhaust gas at a maximum temperature of 325 K (52 °C) by means of the filters described in Annex III.

2.6. 'Tailpipe emissions' means:

— for positive-ignition engines, the emission of gaseous pollutants,

— for compression-ignition engines, the emission of gaseous and particulate pollutants.

2.7. 'Evaporative emissions' means the hydrocarbon vapours lost from the fuel system of a motor vehicle other than those from tailpipe emissions.

2.7.1. 'Tank breathing losses' are hydrocarbon emissions caused by temperature changes in the fuel tank (assuming a ratio of $C_1H_{2,33}$).

2.7.2. 'Hot soak losses' are hydrocarbon emissions arising from the fuel system of a stationary vehicle after a period of driving (assuming a ratio of $C_1H_{2,20}$).

(1) As defined in point 0.4 of Annex I to Directive 70/156/EEC (OJ No L 42, 23. 2. 1970, p. 1).
(2) OJ No L 197, 20. 7. 1983, p. 1.
(3) OJ No L 36, 9. 2. 1988, p. 33.

2.8. 'Engine crankcase' means the spaces in, or external to, an engine which are connected to the oil sump by internal or external ducts through which gases and vapours can escape.

2.9. 'Cold start device' means a device which temporarily enriches the air/fuel mixture of the engine thus assisting the engine to start.

2.10. 'Starting aid' means a device which assists the engine to start without enrichment of the air/fuel mixture of the engine, e.g. glow plugs, modifications to the injection timing.

2.11. 'Engine capacity' means:

2.11.1. for reciprocating piston engines, the nominal engine swept volume,

2.11.2. for rotary piston (Wankel) engines, double the nominal engine swept volume.

2.12. 'Anti-pollution device' means those components of a vehicle that control and/or limit tailpipe and evaporative emissions.

3. APPLICATION FOR EEC TYPE-APPROVAL

3.1. The application for approval of a vehicle type with regard to tailpipe emissions, evaporative emissions and durability of antipollution devices is submitted by the vehicle manufacturer or by his authorized representative.

3.2. It is accompanied by the information required by Annex II, together with:

3.2.1. a description of the evaporative control system installed on the vehicle;

3.2.2. in the case of vehicles equipped with positive ignition engines, a statement of whether either 5.1.2.1 (restricted orifice) or 5.1.2.2 (marking) applies, and in the latter case, a description of the marking;

3.2.3. when appropriate, copies of other type approvals with the relevant data to enable extensions of approvals and establishment of deterioration factors.

3.3. For the tests described in Section 5 of this Annex a vehicle representative of the vehicle type to be approved must be submitted to the technical service responsible for the type-approval tests.

4. EEC TYPE-APPROVAL

4.1. A certificate conforming to the model given in Annex IX must be issued as the EEC type-approval certificate.

5. REQUIREMENTS AND TESTS

Note:

As an alternative to the requirements of this section, vehicle manufacturers whose world-wide annual production is less than 10 000 units may obtain type-approval on the basis of the corresponding technical requirements in:

— the code of Federal Regulations, Title 40, Part 86, subparts A and B, applicable to 1987 model year light-duty vehicles, revised as of 1 July 1989 and published by the US Government Printing Office, or

— the 'Master Document', in its final version dated 25 September 1987, prepared by the International meeting in Stockholm on Air Pollution by Motor Vehicles, entitled 'Control of Air Pollution from Motor Vehicles — General Provisions for Emission Regulations for Light Motor Vehicles.'

The type-approval authority must notify the Commission of the circumstances of each approval granted under this provision.