II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 3 December 1987

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 gases from the engines of motor vehicles

(88/76/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) lays down the limit values for carbon monoxide and unburnt hydrocarbon emissions from such engines; whereas these limit values were first reduced by Directive 74/290/EEC (5) and supplemented, in accordance with Directive 77/102/EEC (6), by limit values for permissible emissions of nitrogen oxides; whereas the limit values for these three pollutants were successively reduced by Directives 78/665/EEC (7) and 83/351/EEC (8);

Whereas the work undertaken by the Commission in connection with its policy of pursuing a comprehensive approach to the development of rules for the motor vehicle industry has shown that the European industry already has available, or is currently perfecting, engine technology which will allow a further reduction in limit values; whereas during the period under consideration such a reduction will not jeopardize the aims of Community policy in other fields, and in particular in that of the rational use of energy;

(1) OJ No C 178, 6. 7. 1984, p. 9, OJ No C 318, 29. 11. 1984, p. 6, and OJ No C 257, 28. 9. 1987, p. 1.

(2) Opinion published in OJ No C 12, 14. 1. 1985, p. 65, and OJ No C 190, 20. 7. 1987, p. 180, and position of Parliament on 18 November 1987 (OJ No C 345, 21. 12. 1987, p. 59).

(3) OJ No C 25, 28. 1. 1985, p. 46.

(4) OJ No L 76, 6. 4. 1970, p. 1.

(5) OJ No L 159, 15. 6. 1974, p. 61.

(6) OJ No L 32, 3. 2. 1977, p. 32.

(7) OJ No L 223, 14. 8. 1978, p. 48.

(8) OJ No L 197, 20. 7. 1983, p. 1.

Whereas it is necessary to promote innovation and industrial competitiveness respectively on the internal market and on foreign markets; whereas it is necessary that the Community adopt measures on vehicle emissions; whereas they should at the same time respect a high level of environmental protection and make it possible to achieve values adapted to European conditions so that their ultimate effect on the environment is equivalent to that of the standards for vehicle emissions in force in the United States of America; whereas to achieve this objective, it is advisable to provide for a solution which varies according to the category of vehicle engine capacity so as to allow, as far as possible, compliance with Community requirements at a reasonable cost and using different technical means; whereas the limit values laid down for vehicles with an engine capacity of less than 1,4 litres reflect the current technical and economic conditions of European manufacturers in this section of the market; whereas the limit values applicable in 1992/93 should be fixed in 1987;

Whereas the limit values in this Directive are based on the test method laid down in Directive 70/220/EEC, but this procedure must be adapted subsequently so that it is representative not only of traffic conditions in congested urban centres but also of those outside such centres; whereas a decision concerning such adaptation should be taken by 1987 at the latest;

Whereas Article 5 of Directive 70/220/EEC refers to the possibility of adapting the provisions of the Annexes to take account of technical progress;

Whereas petrol engines in all vehicles covered by this Directive should be designed to run on unleaded petrol so as to make it possible to stop the use of lead-based additives in fuels and thus make a decisive contribution to the reduction of environmental pollution by that element;

Whereas it is necessary to ensure that the provisions relating to the compression-ignition engines of vehicles covered by this Directive remain compatible, in view of the specific nature of all the pollutants emitted by such engines, with subsequent changes in the provisions relating to the other pollutants emitted by such engines, referred to in Directive 72/306/EEC [1];

Whereas, during the period between the adoption of European standards and the implementation of the modified European test cycle, it is desirable that vehicles which obtain type-approval in accordance with equivalent standards on Community export markets should also qualify for EEC type-approval;

Whereas, with due regard for the rules of the Treaty, Member States which so wish may apply in advance the new values laid down in this Directive, on the understanding that if they do so they may not prohibit the marketing or use of vehicles, whether manufactured at home or imported, which comply with Community requirements,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I, II, III, VI and VII to Directive 70/220/EEC shall be amended in accordance with the Annex to this Directive. A new Annex IIIA shall be introduced.

Article 2

1. From 1 July 1988, no Member State may, on grounds relating to air pollution by gases from an engine or to engine fuel requirements:

— refuse to grant EEC type-approval, or to issue the document provided for in the second indent of Article 10 (1) of Directive 70/156/EEC [2], as last amended by Directive 87/403/EEC [3], or to grant national type-approval for a type of motor vehicle,

or

— prohibit the entry into service of such vehicles,

where the level of gaseous pollutants emitted from this type of motor vehicle or from such vehicles and the engine fuel requirements meet the provisions of Directive 70/220/EEC, as amended by this Directive.

2. Member States may: from 1 October 1988 in the case of the types of vehicle which have an engine capacity above 2 000 cm^3,

(1) OJ No L 190, 20. 8. 1972, p. 1.

(2) OJ No L 42, 23. 2. 1970, p. 1.

(3) OJ No L 220, 8. 8. 1987, p. 44.

from 1 October 1990 in the case of the types of vehicle which have an engine capacity below 1 400 cm³,

from 1 October 1991 in the case of the types of vehicle which have an engine capacity of 1 400 to 2 000 cm³ inclusive, and from 1 October 1994 in the case of types of vehicle of the same capacity fitted with compression-ignition engines of the direct injection type,

— no longer issue the document provided for in the last indent of Article 10 (1) of Directive 70/156/EEC in respect of a type of motor vehicle, and

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

which emits gaseous pollutants at levels which do not meet the requirements of the Annexes to Directive 70/220/EEC, as amended by this Directive.

3. From 1 October 1989 in the case of types of vehicle which have an engine capacity above 2 000 cm³,

from 1 October 1991 in the case of types of vehicle which have an engine capacity below 1 400 cm³,

from 1 October 1993 in the case of types of vehicle which have an engine capacity of 1 400 to 2 000 cm³ inclusive and from 1 October 1996 in the case of types of vehicle of the same capacity fitted with compression-ignition engines of the direct injection type,

Member States may prohibit the entry into service of vehicles where the gaseous pollutants emitted from such vehicles and their engine fuel requirements do not meet the requirements of the Annexes to Directive 70/220/EEC, as amended by this Directive.

Article 3

1. Member States may refuse national type-approval, EEC type-approval or the document provided for in the second indent of Article 10 (1) of Directive 70/156/EEC for a type of motor vehicle with a positive ignition engine whose engine fuel requirements do not meet the provisions of the Annexes to Directive 70/220/EEC, as amended by this Directive:

— from 1 October 1988, for types of vehicle having an engine capacity greater than 2 000 cm³, except for those defined in section 8.1,

— from 1 October 1989, for the other types.

2. From 1 October 1990, Member States may prohibit the entry into service of vehicles fitted with a positive ignition engine whose fuel requirements do not meet the provisions of the Annexes to Directive 70/220/EEC, as amended by this Directive, except where the manufacturer provides a certificate accepted by the technical service which issued the initial emission type-approval stating that adapting such vehicles to the new fuel requirement entails major engineering changes, namely a change in material specification of the inlet or exhaust valve seats or a reduction in the compression ratio, or an increase in the engine capacity to compensate for power loss; in which case, such a ban is possible only from the dates laid down in Article 2 (3).

Article 4

By 31 December 1987 at the latest, the Council, on a proposal from the Commission, shall:

— decide on a further reduction in the limit values to be applied to vehicles with an engine capacity of less than 1 400 cm³ at the latest in 1992 for the issue of new national type-approvals and 1993 for the entry of vehicles into service,

— amend the test contained in Annex III to Directive 70/220/EEC in order to adapt to present conditions, in particular by the addition of non-urban driving sequences,

— decide on the procedures for the entry into force of the amended test contained in Annex III and on the conditions for repealing the present Annex III and Annex IIIA to Directive 70/220/EEC, as amended by this Directive including the transitional period.

Article 5

Member States shall bring into force the provisions necessary to comply with this Directive by 1 July 1988 and shall forthwith inform the Commission thereof.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 3 December 1987.

For the Council
The President
Chr. CHRISTENSEN

ANNEX

ANNEX I

1. Add the following:

'with the exception of those vehicles of category N_1, for which type-approval has been granted under Directive 88/76/EEC (1).

At the request of the manufacturers, type-approval 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).

(1) OJ No L 36, 9. 2. 1988, p. 1.'

2.2. The existing text is replaced by the following:

'For the purposes of Annex IIIA "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 136 kg.'

The following new section 2.8 is added:

'2.8. "Engine capacity" means:

2.8.1. for reciprocating piston positive-ignition engines, the nominal engine swept volume,

2.8.1.1. for rotary piston (Wankel) positive-ignition engines, double the nominal engine swept volume.'

The following new section 3.2.4 is added:

'3.2.4. a description of the measures taken to ensure that a vehicle equipped with a positive-ignition engine is so constructed that it can only be supplied with unleaded petrol in accordance with Directive 85/210/EEC.

This condition is deemed to be met if it can be demonstrated that the inlet orifice of the fuel tank is so designed that it prevents the tank from being filled from a petrol pump delivery nozzle which has an external diameter of 23,6 mm or greater.'

In section 5.1, the existing text is given the number 5.1.1 and is supplemented as follows:

'The technical measures taken by the manufacturer must be such as to ensure that the emission of air-polluting gases is effectively limited throughout the normal life of the vehicle and under normal conditions of use.

5.1.2. A vehicle equipped with a positive-ignition engine must be designed to be capable of running on unleaded petrol as specified by Directive 85/210/EEC.'

Section 5.2.1.1.4 reads as follows:

'5.2.1.1.4. Subject to 5.2.1.1.4.2 and 5.2.1.1.5, the test is repeated three times. The mass of the carbon monoxide, the combined mass of the hydrocarbons and the nitrogen oxides and the mass of the nitrogen oxides obtained must be less than the amounts given below for the corresponding vehicle categories:

Engine capacity C (cm^3)	Mass of carbon monoxide L1 (g/test)	Combined mass of hydrocarbons and nitrogen oxides L2 (g/test)	Mass of nitrogen oxides L3 (g/test)
C > 2 000	25	6,5	3,5
1 400 ⩽ C ⩽ 2 000	30	8	
C < 1 400	45	15	6

Vehicles equipped with compression-ignition engines with a capacity exceeding 2 000 cm³ must comply with the limit values corresponding to the 1 400 cm³ to 2 000 cm³ inclusive engine capacity category.'

In sections 5.2.1.1.4.1, 5.2.1.1.4.2, 5.2.1.1.5.1 and 5.2.1.1.5.2 the words 'and the mass of nitrogen oxides' or 'and the emissions of nitrogen oxides' are to be added after any reference to combined figures for hydrocarbons and nitrogen oxides.

The following new section 6.5 is added:

'6.5. **Positive-ignition engined vehicle types with different engine fuel requirements.**

6.5.1. Approval shall be extended to vehicle types modified for engine fuel requirement purposes, provided the conditions set out in section 8.4.'

The following new section 6.6 is added:

'6.6. **Vehicle types with automatic or continuously variable transmissions.**

6.6.1. Approval granted to a vehicle type with a manual transmission may under the following conditions be extended to vehicle types with automatic or continuously variable transmissions:

6.6.1.1. the same basic forms of components and systems (other than the transmission) liable to affect the emissions of gaseous pollutants must be fitted and operational. However differences in detail to allow for the different operating characteristics of automatic or continuously variable transmissions are acceptable;

6.6.1.2. the vehicle type must have a reference mass within ± 5 % of the reference mass of the vehicle type with the manual transmission;

6.6.1.3. the vehicle type must be tested and satisfy the requirements of section 5 modified as follows:

the limit values for the nitrogen oxides are those resulting from the multiplication of the L3 values given in the table in section 5.2.1.1.4 by a factor of 1,3 and the limit values for the combined mass of the hydrocarbons and the nitrogen oxides are those resulting from the multiplication of the L2 values given in the table in section 5.2.1.1.4 by a factor of 1,2.'

The table in section 7.1.1.1 is replaced by the following:

'Engine capacity C (cm³)	Mass of carbon monoxide L1 (g/test)	Combined mass of hydrocarbons and nitrogen oxides L2 (g/test)	Mass of nitrogen oxides L3 (g/test)
C > 2 000	30	8,1	4,4
1 400 ≤ C ≤ 2 000	36	10	
C < 1 400	54	19	7,5

Vehicles equipped with compression-ignition engines with a capacity exceeding 2 000 cm³ must comply with the limit values corresponding to the 1 400 to 2 000 cm³ inclusive engine capacity category.'

The second paragraph of section 7.1.1.2 reads as follows:

'L = the limit value laid down in section 7.1.1.1 for the emissions of carbon monoxide, the combined emissions of hydrocarbons and nitrogen oxides and the emissions of nitrogen oxides;'.

The following new section 7.2 is added:

'7.2. Where type approval is extended under the provisions of section 6.6 (automatic and continuously variable transmissions) the limit values for the nitrogen oxides are those resulting from the multiplication of the values L3 given in the table in section 7.1.1.1 by a factor of 1,3, and the limit values for the combined mass of the hydrocarbons and the nitrogen oxides are those resulting from the multiplication of the values L2 given in the table in section 7.1.1.1 by a factor of 1,2.'