II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 28 May 1974

adapting to technical progress Council Directive No 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 positive-ignition engines of motor vehicles

(74/290/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the proposal from the Commission;

Having regard to Council Directive No 70/156/EEC [1] 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, as amended by the Act of Accession [2] and in particular Articles 11, 12 and 13 thereof;

Having regard to Council Directive No 70/220/EEC [3] of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from positive-ignition engines of motor vehicles as amended by the Act of Accession, and in particular Article 5 thereof;

Whereas the protection of the public against increasing atmospheric pollution, particularly in towns, necessitates active measures for reducing the amount of gaseous pollutants emitted from positive-ignition engines designed to propel vehicles; whereas such a reduction in the admissible level of emission is made possible by the progress which has been made in the construction of such engines;

Whereas, in future, such engines must be fitted with carburettors which will permit the specified levels of emission to be complied with while the engines idle in all settings of the controls at the disposal of the user;

Whereas the application of the present provisions of Directive No 70/220/EEC has shown that these provisions require amendment in order to facilitate performance of the present tests by the competent authorities;

Whereas certain amendments are also required to simplify the administrative procedure for the type-approval of a motor vehicle as regards the emission of pollutants, in order in particular to allow the extension of type-approval to include vehicle types which, in weight and/or gear ratios, differ from the originally approved type;

Whereas, on 10 October 1973, the Commission submitted a proposed amendment to the Committee on the Adaption to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Motor Vehicle Sector for its Opinion;

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[1] OJ No L 42, 23. 2. 1970, p. 1.
[2] OJ No L 73, 27. 3. 1972, p. 14.
[3] OJ No L 76, 6. 4. 1970, p. 1.

whereas that Opinion was not favourable and the Commission, in accordance with the procedure laid down in Article 13 (3) (b) of Directive No 70/156/EEC proposed to the Council measures to be adopted,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I to V to Directive No 70/220/EEC are hereby amended in accordance with the Annex to the present Directive.

Article 2

1. From 1 January 1975, the Member States shall neither, on grounds relating to air pollution by gases from an engine:

— refuse to grant EEC type-approval, or to issue the documents referred to in the second indent of Article 10 (1) of Directive No 70/156/EEC, or to grant national type-approval of a type of motor vehicle;

— nor 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 meets the requirements of Directive No 70/220/EEC, as amended by the present Directive.

2. From 1 October 1975, Member States:

— shall no longer issue the document provided for in the second indent of Article 10 (1) of Directive No 70/156/EEC in respect of a type of motor vehicle which emits gaseous pollutants at levels which do not meet the requirements of Directive No 70/220/EEC, as amended by this Directive as regards Annex I (with the exception of item 3.2.1.2.2), Annex II, Annex IV item 1.2, and Annex V;

— may refuse national type-approval of a type of motor vehicle which emits gaseous pollutants at levels which do not meet the requirements of Directive No 70/220/EEC, as amended by this Directive, as regards Annex I (with the exception of item 3.2.1.2.2), Annex II, Annex IV item 1.2, and Annex V;

— may prohibit the entry into service of vehicles which emit gaseous pollutants at levels which do not meet the requirements of Directive No 70/220/EEC, as amended by this Directive, as regards Annex I (with the exception of item 3.2.1.2.2), Annex II, Annex IV item 1.2, and Annex V.

3. From 1 October 1976, Member States:

— shall no longer issue the document provided for in the second indent of Article 10 (1) of Directive No 70/156/EEC in respect of a type of motor vehicle which emits gaseous pollutants at levels which do not meet the requirements of Directive No 70/220/EEC, as amended by this Directive, as regards Annex I item 3.2.1.2.2 and Annex IV item 1.5;

— may refuse to grant national type-approval of a type of motor vehicle which emits gaseous pollutants at levels which do not meet the requirements of Directive No 70/220/EEC, as amended by this Directive, as regards Annex I item 3.2.1.2.2, and Annex IV item 1.5;

— may prohibit the entry into service of vehicles which emit gaseous pollutants at levels which do not meet the requirements of Directive No 70/220/EEC, as amended by this Directive, as regards Annex I item 3.2.1.2.2, and Annex IV item 1.5.

Article 3

By 1 October 1974, Member States shall put into force the requirements needed in order to comply with this Directive and shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 28 May 1974.

For the Council

The President

H. D. GENSCHER

ANNEX

Amendments to the Annexes to Directive No 70/220/EEC

ANNEX I: DEFINITIONS, APPLICATION FOR EEC TYPE-APPROVAL AND TEST SPECIFICATIONS

Item 3.2.1.1.4 shall read as follows:

'3.2.1.1.4. Subject to the provisions of item 3.2.1.1.5 below, the test shall be performed three times. In each test, the mass of the carbon monoxide and the mass of the hydrocarbons obtained must be less, for a vehicle of given reference weight, than the amounts shown in the table below:

Reference weight (RW) in kg	Mass of carbon monoxide per test in g L_1	Mass of hydrocarbons per test in g L_2
RW $\leqslant$ 750	80	6·8
750 $<$ RW $\leqslant$ 850	87	7·1
850 $<$ RW $\leqslant$ 1 020	94	7·4
1 020 $<$ RW $\leqslant$ 1 250	107	8·0
1 250 $<$ RW $\leqslant$ 1 470	122	8·6
1 470 $<$ RW $\leqslant$ 1 700	135	9·2
1 700 $<$ RW $\leqslant$ 1 930	149	9·7
1 930 $<$ RW $\leqslant$ 2 150	162	10·3
2 150 $<$ RW	176	10·9

3.2.1.1.4.1. Nevertheless, for each of the pollutants referred to in 3.2.1.1.4, one of the three results obtained may exceed, by not more than 10 %, the limit laid down in that item for the vehicle concerned, on condition that the arithmetic mean of the three results is below the prescribed limit. Where the prescribed limits are exceeded for more than one pollutant, it shall be immaterial whether this occurs in the same test or in different tests.'

The following item 3.2.1.1.5 shall be inserted after 3.2.1.1.4:

'3.2.1.1.5. The number of tests laid down in item 3.2.1.1.4 shall be reduced in the cases hereinafter defined, V_1 being the result of the first test and V_2 the result of the second test for any of the pollutants mentioned in item 3.2.1.1.4.

3.2.1.1.5.1. Only one test shall be made if, for both the pollutants concerned, $V_1 \leqslant 0{\cdot}70$ L.

3.2.1.1.5.2. Only two tests shall be made if, for both the pollutants concerned, $V_1 \leqslant 0{\cdot}85$ L but for at least one of the pollutants $V_1 > 0{\cdot}70$ L. In addition, for each of the pollutants concerned, V_2 must satisfy the requirements $V_1 + V_2 \leqslant 1{\cdot}70$ L and $V_2 \leqslant$ L.'

The following sentence shall be added to item 3.2.1.2.2:

'This requirement shall be checked in the manner specified in Annex IV, for all the possible permutations of the various setting controls available to the user.'

The following item 4 shall be inserted after item 3.2.1.3.3:

'4. EXTENSION OF EEC TYPE-APPROVAL

4.1. **Vehicle types of different reference weights**

Approval of a vehicle type may, under the following conditions, be extended to vehicle types which differ from the approved type only in respect of their reference weight.

4.1.1. Approval may be extended to vehicle types of a reference weight requiring merely the use of the next higher or next lower equivalent inertia.

4.1.2. If the reference weight of the vehicle type for which extension of the approval is requested requires the use of a flywheel of equivalent inertia higher than that used for the vehicle type already approved, extension of the approval shall be granted.

4.1.3. If the reference weight of the vehicle type for which extension of the approval is requested requires the use of a flywheel of equivalent inertia lower than that used for the vehicle type already approved, extension of the approval shall be granted if the masses of the pollutants obtained from the vehicle already approved are within the limits prescribed for the vehicle for which extension of the approval is requested.

4.2. **Vehicle types with different overall gear rates**

Approval granted in respect of one vehicle type may, under the following conditions, be extended to vehicle types which differ from the approved type only in respect of their overall transmission ratios:

4.2.1. For each transmission ratio used in the Type I test, the equation $E = \frac{V_2 - V_1}{V_1}$ shall be determined where V_1 and V_2 are, respectively, the speed at 1000 rpm of the engine of the approved vehicle type and of the vehicle type for which extension of the approval is requested.

4.2.2. If for each gear ratio $E \leqslant 5\%$, extension shall be granted without repeating the Type I tests.

4.2.3. If for at least one gear ratio $E > 5\%$, and if for each gear ratio $E \leqslant 10\%$, the Type I tests shall be repeated but may be performed in a laboratory chosen by the manufacturer, subject to the agreement of the authorities competent to grant type-approval. The report on the tests shall be sent to the approved laboratory.

4.3. **Vehicle types of different reference weights and different overall transmission ratios**

Approval granted in respect of one type of vehicle may be extended to vehicle types which differ from the approved type only in respect of their reference weights and their overall transmission ratios, where all the conditions laid down in items 4.1 and 4.2 above are fulfilled.