

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed 1995/0209(COD)
Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines Amended by 2000/0336(COD) Amended by 2002/0304(COD) Amended by 2010/0195(COD) Repealed by 2014/0268(COD)	
Subject 3.70.02 Atmospheric pollution, motor vehicle pollution	

Key players			
European Parliament	Former committee responsible		
	ENVI Environment, Public Health and Consumer Protection		
	ENVI Environment, Public Health and Consumer Protection		18/03/1997
		PSE COLLINS Kenneth D.	
	Former committee for opinion		
	TRAN Transport and Tourism		
Council of the European Union	ECON Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
	BUDG Budgets		
	Council configuration	Meeting	Date
	Health	2056	04/12/1997
	Agriculture and Fisheries	2025	22/07/1997
	Agriculture and Fisheries	1985	20/01/1997
	Environment	1939	26/06/1996
	Environment	1905	04/03/1996

Key events			
20/12/1994	Additional information		Summary
05/09/1995	Legislative proposal published	COM(1995)0350	Summary
18/09/1995	Committee referral announced in Parliament, 1st reading		
18/10/1995	Vote in committee, 1st reading		
25/10/1995	Decision by Parliament, 1st reading	T4-0494/1995	Summary
04/03/1996	Debate in Council	1905	
19/01/1997	Council position published	10201/1/1996	Summary
18/02/1997	Committee referral announced in Parliament, 2nd reading		

15/04/1997	Vote in committee, 2nd reading		Summary
14/04/1997	Committee recommendation tabled for plenary, 2nd reading	A4-0136/1997	
13/05/1997	Debate in Parliament		Summary
13/05/1997	Decision by Parliament, 2nd reading	T4-0218/1997	Summary
22/07/1997	Parliament's amendments rejected by Council		Summary
11/11/1997	Formal meeting of Conciliation Committee		Summary
11/11/1997	Final decision by Conciliation Committee		Summary
17/11/1997	Joint text approved by Conciliation Committee co-chairs	3629/1997	
04/12/1997	Decision by Council, 3rd reading		
10/12/1997	Report tabled for plenary, 3rd reading	A4-0413/1997	
15/12/1997	Debate in Parliament		
16/12/1997	Decision by Parliament, 3rd reading	T4-0601/1997	Summary
16/12/1997	Final act signed		
16/12/1997	End of procedure in Parliament		
27/02/1998	Final act published in Official Journal		

Technical information

Procedure reference	1995/0209(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by 2000/0336(COD) Amended by 2002/0304(COD) Amended by 2010/0195(COD) Repealed by 2014/0268(COD)
Legal basis	Rules of Procedure EP 52-p1; EC before Amsterdam E 100A
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/09215

Documentation gateway

Legislative proposal	COM(1995)0350 OJ C 328 07.12.1995, p. 0001	06/09/1995	EC	Summary
Text adopted by Parliament, 1st reading/single reading	T4-0494/1995 OJ C 308 20.11.1995, p. 0020-0029	25/10/1995	EP	Summary
Economic and Social Committee: opinion, report	CES0245/1996 OJ C 153 28.05.1996, p. 0002	28/02/1996	ESC	Summary

Council position	10201/1/1996 OJ C 123 21.04.1997, p. 0001	20/01/1997	CSL	Summary
Commission communication on Council's position	SEC(1997)0134	29/01/1997	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A4-0136/1997 OJ C 150 19.05.1997, p. 0003	15/04/1997	EP	
Text adopted by Parliament, 2nd reading	T4-0218/1997 OJ C 167 02.06.1997, p. 0014-0022	13/05/1997	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1997)0354	09/07/1997	EC	Summary
Joint text approved by Conciliation Committee co-chairs	3629/1997	18/11/1997	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A4-0413/1997 OJ C 014 19.01.1998, p. 0006	11/12/1997	EP	
Text adopted by Parliament, 3rd reading	T4-0601/1997 OJ C 014 19.01.1998, p. 0017-0025	16/12/1997	EP	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 1997/68](#)

[OJ L 059 27.02.1998, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

PREVIOUS LEGISLATION ON THE EC: Council Directive 77/537/EEC of 28 June 1977 relates to the measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors (OJ L 220 of 29.08.77). Purpose was to lay down requirements to the type approval of such vehicles, and, to fix permissible values for the fumes and determine materials, conditions and methods for measuring levels of the fumes. The Directive applies only to tractors which are fitted with pneumatic tyres and which have two axles and a maximum design speed between 6 and 25 kilometres per hour. Council Directive 82/890/EEC of 17 December 1982 amends 17 Directives on the approximation of the laws of the Member States relating to wheeled agricultural or forestry tractors (OJ L 378 of 31.12.82). PREVIOUS POSITION OF THE EP: In the resolution embodying the opinion of the EP on the proposal from the Commission (OJ No C 10, 15.01.1976, p. 2 for Directive 77/537/EEC, the EP urged the Commission and the Council to replace as speedily as possible the system of optional harmonization by standard Community legislation in all Member States. In the resolution closing the procedure for consultation of the EP on the proposal from the Commission (COM(81) 733 final; OJ No C 346, 13.12.81, p. 7) to the Council for Directive 82/890/EEC, the EP recommended an increase in the proposed maximum design speed for agricultural tractors to make a larger number of tractors eligible for the EEC type-approval procedure: at the same time called attention to the fact that there is disagreement among the Member States as to whether this maximum speed should be increased to 30 or 32 to 33 km/h. SITUATION IN THE MEMBER STATES: According to the 11th report of the Commission on the Application of EU-law - COM(500)final of 29.03.94 - all Member States have communicated their national laws to the Commission.

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

OBJECTIVE: - The proposal for a directive aims to introduce viable measures for reducing emissions from non-road mobile machinery (excluding agricultural and forestry tractors). This fits in with the implementation of the Fifth Action Programme on the Environment and is part of a global strategy which is aimed at reducing emissions of volatile organic compounds and nitrogen oxides in the European Union. SUBSTANCE: - The proposal introduces an approval procedure for the engines of non-road mobile machinery (for example, excavators,

fork-lift trucks and grading machines); - The approval criteria are based on emissions of atmospheric pollutants, such as particulates, nitrogen oxides, hydrocarbons and carbon monoxide; - In order to give industry time to comply with the new measures, the proposal provides for the emissions to be progressively reduced in two stages: stage I lasting from June 1997 to December 1998 and stage II from June 2001 to December 2003; - The approval procedures being proposed are based on those which Community legislation applies to on-road engines and machinery. However, the administrative actions are limited by the introduction of a system of self-certification for manufacturers, designed to ensure that their products comply within the set deadlines, and a type approval system which allows engines to be classified according to category; - Administrative control is limited to the evaluation of manufacturers' reports, the introduction of spot-checks on product compliance and engine numbering; - The Commission view was that by stage II, emissions from non-road vehicles would be reduced by 67% for particulates, 29% for hydrocarbons and 42% for nitrogen oxides. ?

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Parliament approved the proposal for a directive in accordance with the procedure laid down in Article 143 of its Rules of Procedure (adoption without debate). ?

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

The Committee welcomes the Commission proposal which aims at reducing the pollution caused by non-road machinery and underlines the fact that this is the first Directive proposed by the European Union to tackle this problem. The Committee however hopes that it will receive proposals for machinery which is not covered by this directive. Since the market for this kind of engine is immense and involves numerous applications, the Committee recognises that it is in the industry's interest for the sector to be regulated and harmonized with legislation in force in the USA as soon as possible, so that certificates are recognized in both areas. The Committee believes that the Commission should make moves to secure mutual recognition of the certificates issued by the USA's and EU's respective authorities. The Committee would encourage the use of alternative, environmentally friendly and biodegradable fuels, given that tests have shown that for every litre of eco-diesel consumed, 2.3 kg less of CO₂ are discharged into the environment. Monitoring should be the responsibility of the authorities in the Member States who grant the approval concerned; they should also take measures to ensure that they are kept informed of any changes to the contents of an "approval" file; in addition, they should ensure that production conformity is actually checked.?

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On the basis of recent research carried out in the context of the Auto-Oil-Programme the common position modifies the initial proposal in terms of strengthening environmental protection through the introduction of more severe emission limit values for nitrogen oxides (NO_x) in stage II. It also takes into account the need to introduce into the Community standards which are more compatible with the standards implemented (or under implementation) in third countries which are important trading partners. In the same spirit it introduces a new article providing for a possible further reduction of emission limit values to be decided upon by the end of the year 2000, on the basis of technical and environmental considerations. The deadline demanded by the national administrations for the implementation of the directive necessitated changes in the date for entry into force. However, the common position makes provision for a tight time schedule for national implementation allowing for the original timetable for the implementation of Stage II to remain unchanged despite the fact that the period of stability between Stage I and Stage II has thus been shortened. The main changes to the text cover the following areas: - future initiative to extend the scope of the Directive to gasoline engines; - the need for equivalent legislation on emissions from agricultural and forestry tractor engines; - the willingness to harmonize considerably the emission standards for compression ignition engines in order to strengthen them; - consolidation of the definition of non-road mobile machinery which includes transportable industrial equipment; - clarification that the test engine for type-approval has to be provided by the applicant; - time span for obligatory record keeping by the manufacturers with respect to engines produced in compliance with the Directive reduced from 30 to 20 years; - acceptance of type-approvals according to Directive 88/77/EEC as being equivalent to the proposed Directive has been restricted to Stage I. Stage II, as amended by the common position, is more stringent than Stage B of Directive 88/77/EEC; - inclusion of a provision in order to prevent possible refusals of placing on the market of engines which meet the requirements of the Directive. It should be noted that the article setting out the conditions for the granting of possible economic instruments and tax incentives has been deleted. With regard to the timetable, the date for initial acceptance of type approvals by Member States has changed from 31 December 1996 to 31 December 1997. The dates for the obligatory compliance of category A and B engines at the stage of type-approval were changed accordingly to 31 December 1997. In addition the dates for the obligatory compliance of category A, B and C engines at the stage of placing on the market had to be adapted in order to provide sufficient time to carry out the necessary approval testing and certification. The granting of a two year postponement of the obligatory compliance date related to the placing on the market of engines built prior to this date has been made optional. The common position also provides clarification of the responsibility of type-approval authorities in cases of engines covered by this Directive for the first time. It provides for the Commission to be assisted by the committee established under Directive 92/53/EEC relating to the type-approval of motor vehicles and their trailers instead of the Committee established in accordance with the Directive on ambient air quality assessment and management. There is a change of the Committee procedure from I to II(b). Lastly, there is provision for a new proposal to be prepared by the end of 1999 reviewing the standards for compression ignition engines (Stage III). ?

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The Commission considered that the amendments made by the Council were compatible with the objective of the directive and therefore

supported the common position.?

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

The Committee has adopted the report, calling for economic instruments (tax incentives) to be used in the fight against pollution from internal combustion engines of non-road mobile machinery (co-decision procedure, second reading). The Commission's proposal sought to introduce measures to reduce engine emissions from vehicles such as mechanical diggers, fork-lift trucks or levelling equipment (farm and forestry vehicles are covered by a different proposal). The Commission sought a two-stage progressive reduction in atmospheric pollutants such as particulate matter, nitrogen oxides, hydrocarbons and nitrogen monoxide by the year 2003. Parliament welcomed the proposal at first reading and approved it unamended. The changes proposed by the Council at second reading included deletion of an article on economic instruments. This article permits, but does not oblige, Member States to adopt tax incentives under certain conditions to reduce polluting emissions. The Council decided unanimously to delete this. The Commission then withdrew this point from the proposal, in order not to delay adoption of the text as a whole. The Committee believes that the initial proposal is still relevant and it has adopted amendment by its vice-chairman, Paul LANNNOYE (Green, B) reintroducing the article on tax incentives. The committee also adopted several amendments concerning commitology. ?

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

In adopting the recommendation for second reading by Mr Ken COLLINS (PSE, UK), the European Parliament modified the common position of the Council. The amendments adopted concerned commitology: Parliament advocated the advisory committee procedure. The amendments concerning economic instruments and tax incentives were rejected. ?

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

Recalling that Parliament had not adopted any amendments at first reading, the rapporteur explained that, following the change in comitology procedures instigated by the Council, the Committee on the Environment had been forced to propose amendments in order to restore the original situation. Commissioner Bjerregaard was prepared to adopt a flexible position and accept changes to the common position but she wanted to ensure that the amendments tabled did not delay the adoption of the final text.

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The European Commission accepts the amendment of the European Parliament on the reference to the "modus vivendi" concerning measures for the implementation of acts drawn up in co-decision and amends its proposal accordingly. However, it cannot accept those amendments which refer to commitology. In principle, the Commission is in favour of Parliament's proposal, which recommends recourse to a consultative committee. Nevertheless, in order that adoption might take place within a reasonable period of time, the Commission has, at the Council's request, accepted a committee of type IIb). ?

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

The Council was unable to accept all the European Parliament's second reading amendments to its common position on the proposal for a Directive on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery. The Conciliation Committee will therefore be convened.?

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

A measure to cut polluting emissions from bulldozers and diggers was adopted when the Parliament/Council Conciliation Committee gave the green light to the text of a directive on non-road mobile machinery. The aim is to reduce emissions of gas and particles from internal combustion engines in such machinery. The emissions in question include nitrogen oxides and hydrocarbons. In agreeing the text, MEPs insisted that, in accordance with the existing modus vivendi agreement governing relations between the institutions, the Commission inform Parliament fully of the measures it plans to adopt to implement the directive. They also succeeded in obtaining from the Commission a commitment that it will submit proposals early next June for overhauling the commitology procedure. Under this procedure, the Commission is assisted in implementing legislation by technical committees of national experts. Parliament wants to be involved in this process so that it can continue to keep an eye on things after legislation has been adopted. The directive on non-road mobile machinery was originally supposed to be transposed into national law by the end of this year but this deadline has been extended by six months. The EP's rapporteur was Mr Ken

COLLINS, chairman of the Committee on the Environment, Public Health and Consumer Protection. The conciliation committee was co-chaired by EP vice-president Mr Josep VERDE I ALDEA (PES, Sp) and Mr Johny LAHURE, President of the Council and Luxembourg's Health and Environment Minister. ?

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

Agreement having been reached on 11 November 1997, the Directive will be adopted on 15 December in Strasbourg. To meet parliament's concerns with regard to the committee procedure, and since this issue had not been considered by the IGC, the commission was asked to undertake to bring forward the date on which its proposal to amend the current committee procedure system would be submitted (that proposal is called for by the end of 1998 in a declaration annexed to the treaty of Amsterdam). In the meantime, this question has been discussed by the president and the Commission president. As Mr Santer has, by letter, confirmed the Commission's intention of submitting the committee proposal at the start of June 1998, the Committee was in position to register agreement of this item of legislation on 11 November 1997. ?

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

OBJECTIVE: to reduce atmospheric pollution caused by the engines of non-road mobile machinery (excluding agricultural or forestry tractors) by setting permissible emission standards for them. COMMUNITY MEASURE: European Parliament and Council Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery. SUBSTANCE: the Directive sets limit values for emissions of particulate pollutants, nitrogen oxides (NOx), hydrocarbons (HC) and carbon monoxide (CO), and institutes an approval procedure for engines to be installed in non-road mobile machinery. The European Parliament and the Council are to decide by the end of 2000 on a proposal to be submitted by the Commission before the end of 1999 to further reduce emission limits. ENTRY INTO FORCE: 19/03/1998 DEADLINE FOR TRANSPOSITION: 30/06/1998 ?

Air pollution: measures to be taken against emission of gaseous pollutants from internal combustion engines

In adopting the report by Mr Kenneth COLLINS (PSE, UK) Parliament approved the joint text, approved by the Conciliation Committee, on the Directive on non-road mobile machinery. ?