


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2000/0336(COD) Procedure completed
Air pollution: emissions from small park ignition engines, non-road mobile machinery Amending Directive 97/68/EC	<a href="#">1995/0209(COD)</a>
Subject 3.70.02 Atmospheric pollution, motor vehicle pollution	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health, Consumer Policy	PSE <a href="#">LANGE Bernd</a>	24/01/2001
	Former committee responsible		
	<b>ENVI</b> Environment, Public Health, Consumer Policy	PSE <a href="#">LANGE Bernd</a>	24/01/2001
Council of the European Union	Former committee for opinion		
	<b>ITRE</b> Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
	<b>RETT</b> Regional Policy, Transport and Tourism	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">2457</a>	17/10/2002
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2420</a>	25/03/2002
European Commission	<a href="#">Environment</a>	<a href="#">2378</a>	29/10/2001
	Commission DG <a href="#">Environment</a>	Commissioner	

Key events			
18/12/2000	Legislative proposal published	COM(2000)0840	Summary
15/01/2001	Committee referral announced in Parliament, 1st reading		
11/07/2001	Vote in committee, 1st reading		Summary
11/07/2001	Committee report tabled for plenary, 1st reading	<a href="#">A5-0287/2001</a>	

01/10/2001	Debate in Parliament		
02/10/2001	Decision by Parliament, 1st reading	<a href="#">T5-0483/2001</a>	Summary
26/10/2001	Modified legislative proposal published	COM(2001)0626	Summary
25/03/2002	Council position published	<a href="#">05198/1/2002</a>	Summary
10/04/2002	Committee referral announced in Parliament, 2nd reading		
04/06/2002	Vote in committee, 2nd reading		Summary
04/06/2002	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A5-0221/2002</a>	
02/07/2002	Decision by Parliament, 2nd reading	<a href="#">T5-0337/2002</a>	Summary
17/10/2002	Act approved by Council, 2nd reading		
09/12/2002	Final act signed		
09/12/2002	End of procedure in Parliament		
11/02/2003	Final act published in Official Journal		

### Technical information

Procedure reference	2000/0336(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 97/68/EC <a href="#">1995/0209(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/5/15257

### Documentation gateway

Legislative proposal	<a href="#">COM(2000)0840</a> <a href="#">OJ C 180 26.06.2001, p. 0031 E</a>	18/12/2000	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0287/2001</a>	11/07/2001	EP	
Economic and Social Committee: opinion, report	<a href="#">CES0920/2001</a> <a href="#">OJ C 260 17.09.2001, p. 0001</a>	11/07/2001	ESC	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T5-0483/2001</a> OJ C 087 11.04.2002, p. 0018-0037 E	02/10/2001	EP	Summary
Modified legislative proposal	COM(2001)0626 OJ C 051 26.02.2002, p. 0322 E	26/10/2001	EC	Summary
Council position	<a href="#">05198/1/2002</a> <a href="#">OJ C 145 18.06.2002, p. 0017 E</a>	25/03/2002	CSL	Summary
Commission communication on Council's position	<a href="#">SEC(2002)0356</a>	05/04/2002	EC	Summary

Committee recommendation tabled for plenary, 2nd reading	<a href="#">A5-0221/2002</a>	04/06/2002	EP	
Text adopted by Parliament, 2nd reading	<a href="#">T5-0337/2002</a> <a href="#">OJ C 271 12.11.2003, p. 0028-0080 E</a>	02/07/2002	EP	Summary
Commission opinion on Parliament's position at 2nd reading	<a href="#">COM(2002)0458</a>	08/08/2002	EC	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Directive 2002/88](#)

OJ L 035 11.02.2003, p. 0028-0081 Summary

## Air pollution: emissions from small park ignition engines, non-road mobile machinery

**PURPOSE:** to present a Commission proposal for a Directive amending 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 on non-road mobile machinery. **CONTENT:** the main purpose of amending Directive 97/68/EC is to contribute to achieving ambient air quality targets especially concerning formation of ozone. In general, the proposal for an amendment sets performance standards, leaving the manufacturer the freedom to design products that meet those standards. The main amendments in the proposal refer to the following: - world-wide alignment of legislation; - increasing the scope of the Directive with regard to engines; - change in the classification of engines; - regulation of pollutants; - a two-step approach in implementing the Directive; - limit values (and test procedures) and compliance with standards; - phase-in, averaging, banking and trading as regards engine production; - small volume manufacturers and production of small engine families - and finally, replacement engines.?

## Air pollution: emissions from small park ignition engines, non-road mobile machinery

The committee adopted the report by Bernd LANGE (PES, D) broadly approving the proposal under the codecision procedure (1st reading), subject to a number of amendments aimed at bringing in the new rules earlier than the Commission was proposing and ensuring that the loopholes left open for big manufacturers were closed. While it agreed that the new limit values for hydrocarbons and nitrogen oxides should be aligned with those applied in the US, the committee refused to allow manufacturers to offset higher emission limits for some products against lower ones for others under the so-called "averaging and banking" system used in the US as this would give large-volume producers an unfair advantage. In its amendments, the committee also gave Member States a year rather than 18 months after the directive entered into force to meet the new limit values for nitrogen oxides and hydrocarbons. It also brought forward the longer deadlines allowed for very small-series, mainly hand-held machines. ?

## Air pollution: emissions from small park ignition engines, non-road mobile machinery

The European Parliament voted to endorse the report by Mr Bernd LANGE (PES, D). (Please refer to the previous text). In addition, to get the Directive through Parliament in one reading, Parliament passed a series of amendments negotiated as a compromise deal with Council by Mr LANGE. One, which was passed by 19 votes (266 to 247), exempts chainsaws from the Directive. Other set an 18-month deadline for transposal of the Directive in the Member States and define small-volume manufacturers as producing less than 25,000 units a year. Under this compromise deal, Parliament has also classed generators, pumps and the engines used to power snow-throwers as 'hand-held' to give them more generous limit values and slightly longer compliance deadlines. It wants Members States to be able to give manufacturers 'economic' incentives, offsetting the costs of compliance, to meet the Stage II limits early and to allow producers to use labelling to indicate that equipment meets the limit values early. It also wants the Commission to assess whether it is impossible for certain mobile machines to comply with the Stage II limits by the deadlines set and grant derogations for them if necessary.?

## Air pollution: emissions from small park ignition engines, non-road mobile machinery

The amendments accepted by the Commission relate in particular to: - making the definition of "placing on the market" more clear. It is not changing anything in substance; - introducing the possibility for Member States to use labelling and economic incentives; - requiring the Member States to transpose the Directive within 18 months instead of a certain date, which does not change anything of importance. - requiring the Commission to study if there is further need for legislation in this field. - moving implementation dates of stage II slightly forward. - moving the alternative ways for type certification from article 7 to a new annex. - giving the mandate to the Commission, by using the Committee on Adaptation to Technical Progress, to exempt certain products that for technical reasons can not meet the stage II standards. On the other hand, amendments not accepted by the Commission include those: - about the average and banking system - deleting it from the

proposal. Although rejecting the amendments the Commission has expressed its willingness to accept solutions to the average and banking system that gives the intended flexibility, world-wide alignment and environmental benefits. - which exempt a large number of two-stroke engines indefinitely from the scope of the Directive - not only from stage II. This will totally undermine the environmental benefits of the proposal.?

## Air pollution: emissions from small park ignition engines, non-road mobile machinery

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The Council made a number of changes to the Commission proposal; the major change involved the deletion of those parts of the proposal which introduced an average and banking system for emissions. The Commission proposed the introduction of this system to follow the system used in the USA, however, the Council did not feel that this Directive was the appropriate place to introduce such a system. Therefore, reference to it have been deleted throughout the proposal. Without this system some alternative form of flexibility is required to accommodate those machines which, due to lack of current technical know-how, are unable to meet the relevant emission limits. The solution found requires the Commission to study the possible technical difficulties in complying with the Stage II requirements for certain uses of engines and if appropriate proposals, must be submitted by 31 December 2003. Other minor changes were also made to the exemptions for small volume engine manufacturers and some of the definitions. A technical working group studied the Annexes to the proposal and a number of minor technical changes proposed by them were incorporated into the Annexes. In its Plenary vote on 2 October 2001, the EP adopted 21 amendments to the proposal. Seventeen of these have been incorporated, verbatim, and one (Amendment 30) with a small addition, into the Council's common position. Three amendments which have not been incorporated are as follows: - the amendment which proposed that all chain saws and a list of handheld machinery should be completely exempt, from Stages I and II of the Directive, but unacceptable to both Council and Commission; - the amendment relating to the use of labelling and economic incentives to encourage early compliance and another which proposed a new recital on economic incentives. The Council felt that these incentives could already be provided without making explicit reference in the proposal, which could, in fact narrow the scope for the potential use of such incentives. The eighteen amendments, which the Council has incorporated into its common position, can be grouped as follows: - those which concern the deletion of the proposed averaging and banking system, which Council also wished to delete; - clarifications to definitions in Article 2; - an amendment which clarifies the application of the exemption for small volume engine producers; - those which simplify the system of reference to type approvals by specifying them in an Annex; - an amendment which requires Member States to implement the Directive by 18 months after the date of the entry into force of the directive; - an amendment which introduces a new Article 2a which requires the Commission to submit a report to the Council and the European Parliament on the potential cost and benefits and feasibility of reducing particulate emissions and emissions from certain recreational vehicles; small compression ignition engines and locomotive compression ignition engines; - an amendment which brings forward the proposed dates for compliance with Stage II for engine classes SH1, SH2 and SN3 to 1 August 2007 and for engine class SH3 to 1 August 2008; and - an amendment which provides, in a new Article 14a, for the flexibility mentioned above, which is required given that the average, banking and trading system proposed by the Commission is deleted. In the common position the proposed new Article 14a has been slightly modified by the addition of the words "in particular, professional use, multipositional, handheld engines". The aim of this addition is to specify more clearly the type of machinery which should be studied. The Commission also made a declaration listing the types of machinery it is likely to study, this list includes all those machines listed in amendment 29 which proposed that all chains saws and a list of other handheld machinery should be completely exempt, from Stages I and II of the Directive, which was rejected by the Council as too wide a derogation. In conclusion, the Council considers that its common position takes into account, almost entirely, the Opinion of the European Parliament in first reading and represents a balanced solution for those machines which cannot, for the moment, meet the requirements. The solution used, which requires recommendations from the Commission by the end of 2003, also provides a degree of certainty for the industry in meeting its environmental obligations.?

## Air pollution: emissions from small park ignition engines, non-road mobile machinery

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At the Plenary of the European Parliament the Commission accepted all the amendments of the Parliament except amendment 29 about the exemptions for certain engines. On 26 October 2001 the Commission decided on an amended proposal which included all those amendments accepted at the plenary. The Council decision to include the amendment 30 of the European Parliament instead of amendment 29 is supported by the Commission as a good compromise solution once the system of averaging and banking was rejected. It will give the possibility to examine more in detail what exemptions are really needed and what environmental consequences such exemptions will have. The exclusion of the text on economic incentives and labelling is in line with the original Commission proposal. The text proposed by the European Parliament would have been acceptable for the Commission but for this kind of equipment it is not likely that any economic incentives will be used anyhow. This was the reason why the Commission did not address that issue in its original proposal. In general, the Commission welcomes the common position, as a good compromise. While Council and Parliament have rejected the system of averaging and banking proposed by the Commission, it has been replaced by a comitology procedure to exempt certain equipment with compliance problems without significantly affecting the overall environmental result. Hence, the Commission can accept and support the common position adopted and invites the two institutions to reach an agreement on this amending Directive as soon as possible. The Commission has also declared its intention to carry out a study and come forward with the appropriate proposals, in accordance with Article 14a, in particular the study will include but not be limited to the applications in the Annex to this declaration. In an Annex to the statement, a list of the types of equipment is specified as follows: professional use chainsaws; tree chainsaws; professional use bushcutters; hedgetrimmers; professional use power cutters; augers; portable drills.?

## Air pollution: emissions from small park ignition engines, non-road mobile machinery

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The committee adopted the report by Bernd LANGE (PES, D) broadly approving the Council's common position, subject to three amendments adopted under the second reading of the codecision procedure. The committee wanted certain special-series machines, such as hand-held chainsaws and hedge trimmers, to be exempted from the second stage of the new, tougher emission limits. It also wanted manufacturers who comply early with the Stage II limits to be able to indicate this in labelling and advertising. ?

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The European Parliament adopted the resolution drafted by Bernd LANGE (PES, Germany) on pollutants from non-road mobile machinery. (Please refer to the document dated 04/06/02.) To clarify, Parliament inserted an amendment stating that certain machines, such as handheld chainsaws, top handle machines, handheld hedge trimmers, brush cutters, and power cutters, will all be exempted from the implementation dates of stage II emission limit requirements for three years. For those three years, the Stage I emission limit requirements will continue to apply.?

## Air pollution: emissions from small park ignition engines, non-road mobile machinery

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The Commission adopted four amendments tabled by the European Parliament at second reading and it has consequently amended its proposal. The amendments aim to: - provide the possibility for Member State to label engines to inform consumers that engines meet the stage II limit values already before they enter into force; - clarify the text concerning the implementation of limit values for constant speed engines; - give time-limited exemptions for some types of engines and allow the Commission to extend this time limit if necessary for technical reasons.?

## Air pollution: emissions from small park ignition engines, non-road mobile machinery

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PURPOSE : to approximate 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. COMMUNITY MEASURE : Directive 2002/88/EC of the European Parliament and of the Council amending 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. CONTENT : the Council adopted this Directive which aims to provide measures to combat the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road machinery. The Directive is aimed at extending the scope of Directive 97/68/EC on emissions from compression ignition engines used in non-road mobile machinery, to include small spark ignition (petrol) engines (eg. lawn mowers, chain saws, trimmers, cutters, pumps, generating sets). This amendment to Directive 97/68/EC will contribute to achieving existing ambient air quality targets, especially as ground level ozone is concerned. The main elements of this Directive are as follows: - limit values implemented in two phases depending on the class of the engine : 18 months after the entry into force of the Directive (Phase I) and 2004-2010 (Phase II); - system of compensation and reserving emission credits as well as certain specific measures for the manufacturers of the engines in small amounts and small engine families, in order to achieve world-wide alignment. ENTRY INTO FORCE : 11/02/2003. TRANSPOSITION : 11/08/2004. ?