

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1994/0312(COD) Procedure completed
Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC) Repealed by <a href="#">2003/0205(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 and Consumer Protection	PPE <a href="#">JACKSON Caroline</a>	01/02/1995
	Former committee responsible	PPE <a href="#">JACKSON Caroline</a>	01/02/1995
	Former committee for opinion	PSE <a href="#">KUCKELKORN Wilfried</a>	16/02/1995
	<b>TRAN</b> Transport and Tourism		
Council of the European Union	Council configuration	Meeting	Date
	Fisheries	<a href="#">1899</a>	22/12/1995
	Industry	<a href="#">1880</a>	07/11/1995
	<a href="#">Environment</a>	<a href="#">1873</a>	06/10/1995
	<a href="#">Environment</a>	<a href="#">1861</a>	22/06/1995

Key events			
14/12/1994	Additional information		Summary
16/12/1994	Legislative proposal published	COM(1994)0559	Summary
20/01/1995	Committee referral announced in Parliament, 1st reading		
22/06/1995	Debate in Council	<a href="#">1861</a>	Summary
08/09/1995	Vote in committee, 1st reading		Summary
08/09/1995	Committee report tabled for plenary, 1st	<a href="#">A4-0203/1995</a>	

	reading		
19/09/1995	Debate in Parliament		Summary
20/09/1995	Decision by Parliament, 1st reading	T4-0393/1995	Summary
03/10/1995	Modified legislative proposal published	COM(1995)0461	Summary
07/11/1995	Council position published	<a href="#">10497/1/1995</a>	Summary
16/11/1995	Committee referral announced in Parliament, 2nd reading		
28/11/1995	Vote in committee, 2nd reading		Summary
13/12/1995	Decision by Parliament, 2nd reading	T4-0600/1995	Summary
22/12/1995	Act approved by Council, 2nd reading		Summary
22/01/1996	Final act signed		
22/01/1996	End of procedure in Parliament		
17/02/1996	Final act published in Official Journal		

### Technical information

Procedure reference	1994/0312(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealed by <a href="#">2003/0205(COD)</a>
Legal basis	EC before Amsterdam E 100A; Rules of Procedure EP 66_o-p4
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/07255

### Documentation gateway

Legislative proposal	<a href="#">COM(1994)0559</a> <a href="#">OJ C 389 31.12.1994, p. 0022</a>	16/12/1994	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0407/1995</a> <a href="#">OJ C 155 21.06.1995, p. 0010</a>	27/04/1995	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0203/1995</a> <a href="#">OJ C 269 16.10.1995, p. 0011</a>	08/09/1995	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0393/1995 <a href="#">OJ C 269 16.10.1995, p. 0057-0087</a>	20/09/1995	EP	Summary
Modified legislative proposal	COM(1995)0461 <a href="#">OJ C 309 21.11.1995, p. 0009</a>	03/10/1995	EC	Summary
Council position	<a href="#">10497/1/1995</a> <a href="#">OJ C 320 30.11.1995, p. 0021</a>	07/11/1995	CSL	Summary
Commission communication on Council's position	SEC(1995)1852	13/11/1995	EC	Summary
Text adopted by Parliament, 2nd reading	T4-0600/1995 <a href="#">OJ C 017 22.01.1996, p.</a>	13/12/1995	EP	Summary

## Additional information

European Commission

[EUR-Lex](#)

## Final act

[Directive 1996/1](#)[OJ L 040 17.02.1996, p. 0001](#) Summary

## Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)

1. Category of referral: Parliament and Council Directive 2. Expected date of referral: December 1994 3. Responsible Committee: ENVI 4. Previous Community legislation: - Directive 88/77/EEC (OJ L 36/33 of 09.02.1988) sets Type Approval limits for the emissions of carbon monoxide, unburnt hydrocarbons and nitrogen oxides from diesel engines of vehicles over 3.5 tonnes based on ECE (United Nations Economic Commission for Europe) regulation 24.03. This was not mandatory and the suggested application dates were from 01.04.1988 for new models and from 01.10.1990 for all production. - The "Clean Lorry Directive" 91/542/EEC (OJ L 295/3 of 25.10.1991) imposes more stringent limit values for gaseous emissions and introduces a limit value for particulate (Pm) emissions from diesel engines and other heavy utility vehicles, which will be compulsory in two stages. The following table is a summary of the EU limits for gaseous emissions of heavy duty vehicles determined by Directives 88/77/EEC and 91/542/EEC. Effective date Type Approval (g/kWh) Conformity of Production (g/kWh) CO HC NOx Pm CO HC NOx Pm 01.04.88 New models 01.10.90 All production 11.2 2.4 14.4 \*\* 13.2 2.64 15.8 \*\* 01.07.92 New models 01.10.93 All production 4.5 1.1 8.0 0.36\* 4.9 1.23 9.0 0.4\* 01.10.95 New models 01.10.96 All production 4.0 1.1 7.0 0.15\* 4.0 1.1 7.0 0.15\* \* In the case of engines of 85 kW or less, the limit value for particulate emissions is increased by multiplying the quoted limit by a coefficient of 1.7 \*\* Smoke according to ECE Regulation 24.03, EU Directive 72/306/EEC 5. Previous position of the EP: The EP, in the reading (OJ No C 48/162 of 25.02.91 and OJ No C 240/106 of 16.09.91) of the Commission's proposal leading to the "Clean Lorry Directive" asked i. a. for a slight reduction of the limit values for the first stage and introduction of far more stringent values for the second stage. The EP did succeed in ensuring that a number of important amendments were included in the Directive i. e. the date of entry into force of the second stage, particulate emissions and the inclusion of a possible third stage. 6. Situation in the Member States: The Task Force on "the Environment and the Internal market" estimated that completion of the internal market would cause an increase in trans-frontier lorry traffic of 30-50%. The following table shows the growth in the stock of the goods vehicles in use in the EU (15 MS). 1970 1975 1980 1985 1990 1991 EU 8 266 9 568 10 973 13 434 17 176 17 808 Road freight vehicles being diesel powered, are by far the largest source for particle emissions from the transport sector. In Belgium (1990) f.i. goods vehicles were mainly responsible for emissions of particulates (71 % of the total road emissions), NOx (66 %), SO2 (72 %) and CO2 (54 %). 7. Content of the planned legislation: The "Clean Lorry" Directive provides that the Commission shall submit before the end of 1996, in the light of the technical progress achieved, a revision of limit values for polluting emissions combined with a revision of the test procedure. The new limit values shall not be applicable before 1 Oct 1999 as regards new type-approvals. Furthermore, the Directive contains a provision which obliges the Commission to review the particulate value. This is especially necessary because of the limit value for particulates for the lowest class of heavy duty vehicles (< 85 kW) which is almost twice as high as technically feasible. This vehicle type (3.5 to 6t), however is an important class in urban traffic and contributes considerably to the particulate content of urban ambient air. The Directive also contains a provision which obliges the Council to decide about measures to be taken to limit CO2 emissions from motor vehicles. To assist in developing this legislation, a "Tripartite" was set up comprising representatives of the European Commission, motor industry (ACEA) and oil industry group (EUROPIA) to develop a rational basis to set future emission limits. This includes study of current air quality and modelling trends to identify future requirements. The European Programme on Emissions, Fuels and Engine Technologies should be completed by the end of 1994 to allow proposals for further legislation to be developed in 1995. Stricter limits for gaseous emissions will indeed result in a reduction of pollution of a single heavy duty vehicle. However, the predicted future growth of freight transport will entirely outweigh every potential reduction in NOx, SO2 and CO2 emissions. Therefore additional initiatives must be taken such as: Stricter application of regulations concerning road haulage, for instance speed limits, working hours and designated routes for freight, which would result in safer roads and less pollution; taxing heavy goods transport, taking into account the damage caused to infrastructure and environment ("polluter pays principle"). 8. Legal basis proposed by the European Commission: Article 100a (Internal market) 9. Documentation and sources: OECD Environmental data 1993; Principales actions de la CEMT dans le domaine de la sécurité routière, edition 1994, conférence européenne des ministres des transports; Memorandum on Transport and Environment to the European Parliament, T&E 94/14; Motor vehicle emissions regulations and fuel specifications 1994 update, Concawe, report no. 4/94; Task Force Report on the Environment and Internal Market; EEB News: Atmospheric Pollution from Transport: Oct 1993; actualisatie inputdata en emissie-berekeningen voor de sector verkeer en vervoer, I. De Vlieger, Vlaamse Instelling voor Technologisch Onderzoek ?

## Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)

This proposal seeks to amend Directive 88/77/EEC on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles. It forms part of the type approval procedure for motor vehicles and their trailers set out in framework directive 70/156/EEC. With the current state of the art, most diesel engines with net power of less than 85 kW will be unable to comply by 1995 with the extremely strict limit value for particulate emissions laid down in Directive 91/542/EEC for the second stage. In order to slash particulate emissions from these vehicles from October 1995 onwards, it is proposed: - not to apply the limit value for particulate emissions laid down in Directive 91/542/EEC to low-powered diesel engines with a swept volume of less than 0.7 dm<sup>3</sup> and a rating of over 3000 min until 1999; - to allow Member States to grant tax incentives in order to encourage the sale of vehicles which comply

with Community requirements in order to speed up the fast application of lower particulate emission standards by diesel engines with net power of less than 85 kW; - to introduce new provisions on conformity of production: type approval of all types of vehicles with a diesel engine, certificate of conformity issued by the manufacturer or his distributor containing a marking composed of a type approval number preceded by the abbreviation for the country which issued the EEC type approval, the engine manufacturer's production or marketing trademark and the manufacturer's commercial description. It will only be possible to market, sell and use vehicles and engines which comply with the provisions of this directive in the Member States. The provisions of the directive will need to be adapted to technical progress and new requirements introduced for a second stage with a view to reducing emissions of gaseous pollutants.?

## **Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)**

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In outlining its options for action, the Commission appeared to be facing a dilemma between total compliance with all EURO 2 limits, with correspondingly adverse consequences for the design of smaller commercial vehicles, and temporary abandonment of the complete reduction of particulate emission values for smaller diesel engines. In light of the present situation, it was difficult to decide whether the Commission had opted for the most appropriate line of action. The Commission's proposed new method for monitoring production conformity was to be warmly welcomed. It was technically reliable and standardised testing and engineering practices in this field. Since these commercial vehicles operated principally in urban areas and since particulate emissions constituted a particular health threat, the ESC expressly regretted that a transitional period of more than 4 years had had to be allowed for the attainment of the EURO 2 standard. It called on the Commission to examine once again, in conjunction with the industry and the relevant social interest groups, the possibility of ending the exceptional regime for small diesel engines before 30 September 2000. Since these new provisions were to apply to the 'type approval' of new engines from 1 October 1995, and bearing in mind the time required for completion of the relevant procedures, the Economic and Social Committee called for the rapid implementation of the Commission proposal.

## **Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)**

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Pending Parliament's opinion the Council held a debate on the proposals amending Directives 70/220/EEC and 88/77/EEC and providing for: - firstly, an extension of the special arrangements for small diesel engines until 30 September 1999, by prescribing a reduction in the limit value for particulate emissions to 0.25 g/kWh (instead of the current 0.61 g/kWh), on the grounds that those engines cannot yet meet the 0.15 g/kWh limit to be complied with from 1 October 1995 under Directive 91/542/EEC; - secondly, a statistical method to check production conformity. The debate brought out the main problems posed by the proposals, which relate to tax incentives, limit values and possible exemptions. The Permanent Representatives Committee will expedite examination of the dossier in the light of Parliament's opinion.

## **Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)**

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The Committee on the Environment has adopted the report of Mrs. C. JACKSON REJECTING THE Commission proposal on the proposal for a European Parliament and Council Directive amending Directive 88/77/EEC on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from diesel engines for use in vehicles. The Committee unanimously followed the rapporteur, who rejected the proposal and is very reluctant to agree to a relaxation of the limits for these types of vehicles. The Committee adopted amendments asking for the limit values for particulate emissions to be introduced from 1997 instead of 1999, as proposed by the Commission. ?

## **Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)**

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The rapporteur criticised the Commission's tendency to delay implementing the proposed timetable for the information provided for by the existing Directives on pollutants from diesel engines. She also urged the Commission to take over the amendments tabled to prevent any subsequent delays involving the completion of the codecision procedure in question. Commissioner Bangemann supported the amendments of the Committee on the Environment aimed at speeding up the procedure. In fact, the sooner Parliament held its second reading, the better.

## **Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)**

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In adopting the report by Mrs Caroline JACKSON, the European Parliament approved the proposal. It called for the limit for particulate emissions to be set at 0.15 g/kWh (instead of 0.25 g/kWh) and applied in 1997 (instead of 1999, as proposed by the Commission). ?

## **Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)**

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In its amended proposal, the Commission took over all the amendments tabled by the European Parliament at first reading. The amendments aimed to limit to two years, instead of the four years proposed by the Commission, the derogation to the Euro-2 standard granted for particulate emissions from low-powered diesel engines. As a result, the provisional standard proposed by the Commission for particulate emissions would not be established, thus preventing the industry from having to undergo two type-approval procedures within a short period of time. ?

## Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)

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In its common position, the Council made three types of amendments to the Commission's proposal: - as regards the limit values, the Council adopted a position combining the key elements of the Commission's proposal and the EP's opinion: . the intermediate limit of 0.25 g/kWh (initially proposed by the Commission), . the proposal to reduce by two years the period during which this derogation should apply (as requested by the EP). The Council felt that, although vehicles with small engines could not currently respect the limit of 0.15 g/kWh established in Directive 91/542/EEC, current technology meant that they were nevertheless able to respect a stricter limit than that which applied until 30 September 1995 (0.61 g/kWh for new engines covered by the proposal) and that, in order to improve the environment, it was important to adopt the Commission's proposal to set a value of 0.25 g/kWh. Nonetheless, to give a signal to the industry, the Council followed Parliament's lead and reduced the period when the derogation would apply by two years. As a result, from 1 October 1997, the new engines would have to respect the limit of 0.15 g/kWh established in Directive 91/542/EEC. To improve coherence and legal presentation, the Council also moved point 2 of the Annex as proposed by the Commission; - the Council deleted the provisions relating to tax incentives since they would be virtually ineffective given the brief period during which they would be applied; - finally, the Council made corrections to the tables concerning the procedure verifying the conformity of production requirements (Annex I, Appendix 1, Table I.1.5 and Appendix 2, Table I.2.5). ?

## Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)

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In its opinion on the Council's common position, the Commission approved the text adopted by the delegations since it retained the main aspects of the amended proposal and satisfied the general objective of the directive, despite the fact that, in its opinion, the introduction of the limit value of 0.25 g/kWh during a short transitional period would entail a very heavy administrative burden in return for a very minor impact on the environment in real terms. ?

## Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)

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The recommendation for second reading was approved in the form of a letter, pursuant to Rule 66(7) of the Rules of Procedure. ?

## Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)

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The European Parliament approved the common position of the Council without amendment. ?

## Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)

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Under the codecision procedure - Parliament having approved the Council's common position - the Council adopted the Directive, the Swedish delegation voting against.

## Air pollution: measures to be taken against emission of gaseous pollutants from diesel engines (amend. Directive 88/77/EEC)

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OBJECTIVE: to grant low-powered diesel engines for use in commercial vehicles a derogation to the limit value of 0.15g/kWh for particle pollutants applicable from 1 September 1995 by virtue of Directive 91/542/EEC and to introduce a new statistical method for monitoring product conformity. COMMUNITY MEASURE: European Parliament and Council Directive 96/1/EC amending Directive 88/77/EEC on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from diesel engines for use in vehicles. SUBSTANCE: the Directive sets a limit value of 0.25g/kWh until 30 September 1997, the date when the limit value of 0.15g/kWh will come into force. ENTRY INTO FORCE: 08/03/96. DEADLINE FOR TRANSPOSITION: 01/07/1996. ?