



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.02.2002

COM(2002) 58 final

2000/0136 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 251(2), third subparagraph, point (c) of the EC Treaty,  
on the European Parliament's amendments  
to the Council's common position regarding the  
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**ON THE REDUCTION OF THE LEVEL OF POLLUTANT EMISSIONS  
FROM TWO AND THREE-WHEELED MOTOR VEHICLES  
AND AMENDING DIRECTIVE 97/24/EC**

**AMENDING THE PROPOSAL OF THE COMMISSION  
pursuant to Article 250(2) of the EC Treaty**

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**1. INTRODUCTION**

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 27 amendments proposed by Parliament.

**2. BACKGROUND**

The proposal COM(2000) 314 final / 2000/0136 (COD) has been submitted to the Council and the Parliament on the 22 June 2000, in accordance with Article 95 of the Treaty (JO C 337E, of 28 November 2000, p. 140).

The Economic and Social Committee has given its opinion on the 25 January 2001 (JO C 132 of 25 April 2001, p. 22).

In the framework of the co-decision procedure, the European Parliament has given its opinion in first reading on the 14 February 2001 (JO C 276 of 10 October 2001, p. 135). The European Parliament accepted 25 amendments. The Commission adopted a modified proposal on the 28 May 2001 in which it adopted 9 of the European Parliament's amendments (either totally or partly) to its initial proposal (JO C 240E of 28 August 2001, p. 146).

The Council reached a political agreement on the 8 March 2001, which was then adopted as a Common Position on the 13 July 2001 (JO C 301 of 26 October 2001, p. 43). The Common Position was received by the European Parliament on the 3 September 2001.

On the 12 December 2001; the European Parliament has adopted in its second reading 27 amendments to the Common Position of the Council.

### **3. PURPOSE OF THE PROPOSAL**

The objective of the proposal is to strengthen Community requirements aimed at limiting polluting emissions from motorcycles, which will contribute to achieving ambient air quality targets and national emission ceilings, as established in the relevant EU Directives, in 2010.

### **4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT**

The amendments can be treated in 6 groups.

#### **4.1 Amendments introducing a mandatory ‘2006’ stage (2, 4, 10, 11, 16, 24 up to 27)**

The aim of the European Parliament, both in first and second reading, is to set already now a further reduction of emission limits (stage 3), to be applicable from 2006. According to the amendments motorcycles should then achieve the same level of emission control as the current “EURO III” limits for passenger cars. The Parliament amendments for 2006 therefore include the introduction of the –adapted- passenger car cycle for the motorcycles above 150 cc, and the associated EURO III limit values. The cycle for the smaller motorcycles is based on the current ‘urban duty cycle’, but with a cold start of the engine.

Although the Commission acknowledges the need for a further mandatory stage in 2006, it prefers this stage to be based on the newly developed motorcycle test cycle, which has been completed recently and is in the process of validation. The Commission has indeed endorsed the Common Position, which mandates the Commission to come forward with such a proposal before the end of 2002. This on-going validation process will provide a solid scientific database for the definition of 2006 limits, based on advanced emission control technology.

The test cycles proposed in the amendments are seen as technically inferior solutions, which will need further improvement -from an environmental point of view - in order to be fully effective in real traffic conditions. Since the industry would need a reasonable time frame for a subsequent change to the test procedure, the Commission has the opinion it would delay the introduction of appropriate and effective emission standards.

The Commission rejects all of the European Parliament amendments related to the mandatory introduction of 2006 limits. The Commission is however prepared to assist in finding an agreement between the Institutions that takes into account the arguments raised above.

#### **4.2 Amendments relating to the EURO II application dates for mopeds (8 and 9)**

Two amendments relate the “EURO II” application dates for mopeds. Amendment 8 sets the EURO II application date for new type approvals of mopeds on 1 January 2003. Amendment 9 aligns the end date for the validity of existing EURO I type approvals for mopeds with the corresponding date for motorcycles.

It must be emphasised that, contrary to the situation for motorcycles, the current Directive 97/24/EC already includes a EURO II stage for mopeds, to be applicable from 17 June 2002 for new type approvals. Amendment 8 therefore introduces a 6 month delay with respect to the decision taken more than four years ago.

On the other hand, the current Directive 97/24/EC has not set explicitly an end date for the validity of existing EURO I approvals. Therefore, there is a clear possibility of diverging interpretations in the Member States, which would effectively disrupt the internal market. Amendment 9 is helpful in clarifying the issue.

The Commission rejects amendment 8, but accepts amendment 9.

#### **4.3 Amendments relating to durability requirements (5 (part 2), 13, 20)**

Although durability requirements are already included in the Common Position, as part of a package of envisaged measures to control better the emissions in service, the report is proposing specific requirements on this issue, with a first application in 2004 (30 000 km or five years) and extending the applicability in 2006 (50 000 km or five years).

The Commission rejects all amendments relating to durability. An introduction of durability requirements in 2004 would effectively result in an unrealistic time schedule, with different emission requirements in 2003, 2004 and 2006. Such a time schedule would indeed be very difficult for the industry to comply with. The date of 2006 is preferred instead of 2004 in order to avoid a constantly changing regulatory environment with recurrent re-type approving of existing vehicle types. In this respect, the Commission prefers the wording in Article 4 of the Common Position, which already requests the Commission to come forward with a proposal on durability.

#### **4.4 Amendments relating to in use conformity requirements (5 (part 1), 14, 21)**

The amendments 5 and 14 proposed by the European Parliament specify the introduction of in use conformity requirements by proposing 2006/2007 as application date and request the Commission to come forward with a proposal before the end of 2002. Amendment 21 is basically repeating this, but spells out that the requirements would need to align with the requirements for passenger cars (Directive 70/220/EEC).

The Commission accepts amendment 5, part 1, and amendment 14, part 1. Amendment 14, part 2, would only be acceptable if the date is deleted and “if appropriate” is added. The Commission also rejects amendment 21, which is regarded as superfluous and is pre-empting specific requirements which can only be decided after assessing the specific implications of such requirements when applied to motorcycles.

#### **4.5 Amendments relating to CO<sub>2</sub> emissions (7, 15, 19)**

Although the Common position already includes an obligation to measure CO<sub>2</sub> emissions, the amendments propose to introduce the passenger car cycle as the measurement procedure for CO<sub>2</sub> emissions testing and also require the Commission to come forward with specific proposals regarding the reduction of CO<sub>2</sub> emissions (voluntary agreement, labelling, tax incentives).

The Commission accepts amendment 7, which is a recital that is in line with the Common position, although the wording could be clarified. In this respect, the Commission can also accept to include motorcycles when considering future measures to combat climate change.

However, amendment 15 is to be rejected, in line with the position taken on the test procedure. Furthermore, this amendment does not take into account requirements for small motorcycles (up to 150 cc) and mopeds, which is requested by the Council. It is proposed to reject also amendment 19, which incorporates motorcycles in the strategy to reduce CO<sub>2</sub>

emissions from passenger cars (as outlined in COM(1995) 689 final), as again it pre-empts proposals to be made by the Commission.

#### **4.6 Miscellaneous amendments (1, 3, 6, 12, 17, 18, 22, 23)**

The European Parliament also proposes additional amendments on various issues. All of these amendments are acceptable, either fully, partly or in principle.

- To allow Member States to introduce financial incentives to re-equip older vehicles (am. 3, 12; acceptable)
- Recital concerning defeat devices and cycle bypass prevention (am. 6; acceptable)
- Some amendments are editorial in nature and ensure a better consistency in the wording of Article 4 (am. 17 and 22; acceptable)
- Two amendments request the Commission to come forward with requirements for particulate matter standards for tricycles and quadricycles (am. 1 and 18, acceptable in principle)
- Amendment 23 deletes the wording ‘if appropriate’ and adds the issue of replacement exhaust systems. Only the second part is acceptable (am. 23; partly acceptable)

In consequence, the Commission :

- accepts 7 amendments totally (Nos 3, 6, 7, 9, 12, 17, 22),
- accepts 2 amendments in principle (Nos 1, 18),
- accepts 3 amendments partly (Nos 5, part 1; 14 part 1; 23, part 2) and
- rejects 15 amendments (Nos 2, 4, 8, 10, 11, 13, 15, 16, 19, 20, 21, 24, 25, 26 and 27).

#### **5. CONCLUSION**

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.