

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93)626 final - COD 448

Brussels, 1 December 1993

Amended proposal for a
Directive of the European Parliament and the Council
amending Directive 70/220/EEC
on the approximation of the laws of the Member States
relating to measures to be taken against
air pollution by emissions from motor vehicles.

(presented by the Commission pursuant to Article 189A(2) of the EC-Treaty)

Explanatory Memorandum

On 23 December 1992, the Commission sent to the Council a proposal for a directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles (COM(92) 572 of 23 December 1992).

On 27 October 1993, the European Parliament approved the proposal in the first reading, subject to 23 amendments. The Commission has accepted 3 of the proposed amendments with drafting changes.

The first of these amendments clarifies the motivation of the present directive in referring to the increase of the environmental burden caused by road transport in the Community.

The second amendment draws attention to the important research programme on emissions, fuels and engine technologies which has been agreed between the Commission and the automobile and petroleum industries (the "Auto-Oil" programme) in view of the measures to be proposed for the next stage to reduce car emissions (stage 2000) caused by automobile traffic.

The third amendment refers to the need to control the emissions of carbon dioxide (CO₂) from automobiles.

The Commission therefore proposes to insert three new recitals in the legal part of the directive.

The Commission is unable to accept the other amendments since they would, in essence, alter the concept of the proposal in a major way by setting mandatory limit values for two future stages (1996 and 1999) and not just one as proposed by the Commission (1996). In addition, the presently available technical and industrial data do not support the European Parliament's view that more stringent standards than those proposed by the Commission are feasible for 1996.

The European Parliament's amendments would also allow for tax incentives to be given beyond 1996, a proposal which the Commission cannot accept since it would give rise de facto to a proliferation of standards in the market with consequential negative effects on the unity of the internal market.

While the Commission maintains its view that tax incentives covered in Article 3 of its proposal should be permitted only to incentivise the next stage of limit values, it would like to clarify one element of its proposals which may facilitate a compromise in the Council and which responds to the European Parliament's desire to encourage through greater fiscal incentivisation the early introduction of clean cars.

Within the framework of road circulation taxes (annual road taxes), the Commission confirms the position stated in the Council-Commission Declaration in the Minutes of the Environment Council of 20/21 December 1990 that the provisions of Article 3 shall not prevent tax systems from including emissions of pollutants and other substances in the basis for calculating motor vehicle circulation taxes. In particular the Commission emphasises that progressive circulation tax schemes which are based on the precise emissions performance of each vehicle rather than a set of norms drawn from a third country could satisfy the requirement laid down under point C(iii) of its own Declaration at the same Council, namely, that such schemes should not undermine and render inoperational emissions standards adopted by the Community.

The Commission wishes to emphasise, however, as it did in its Council Declaration of December 1990, the necessity to examine such circulation tax measures in the light of Community law notably with respect to the Internal Market, and the risk that such tax measures might distort competition and constitute discriminatory taxation. Tax incentive measures in the field of circulation taxes should therefore continue to be notified in advance to the Commission under Article 3 of the draft directive.

The Commission emphasises also that purchase tax incentives must be integrally governed by the provisions of Article 3 of the Commission's draft directive and the relevant provisions of Community law; in particular these incentives shall not be permitted to be given other than to incentivise the new 1996 limit values and shall cease to be applied at the end of 1996.

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1. After the third recital, the following two new recitals are added :

- Whereas it is agreed that future traffic trends in the Community will imply an increasing burden on the environment and whereas official forecasts of the increase in traffic density have hitherto fallen considerably below the actual figures; whereas for this reason, stringent exhaust emission standards need to be imposed for all motor vehicles;

- Whereas the Commission has initiated a European Programme on Emissions, Fuels and Engine Technologies (EPEFE); whereas that programme has been established to ensure that proposals for future directives on pollutant emissions seek the most favourable solutions, in terms of overall cost/benefit assessments, for both the consumer and the economy; whereas this programme is addressing the contributions which can be made both by the vehicle and by the fuel by which it is powered;

2. After the sixth recital, the following new recital is added :

- Whereas, in view of the serious pollution caused by vehicle emissions and their contribution to the gases responsible for the greenhouse effect, there is a need to reduce emissions, particularly of CO₂, in accordance with the commitment laid down in the Framework Convention on Climate Change signed in Rio in June 1992 ; whereas CO₂ is an inherent consequence of burning carbon fuels; whereas reduction in permitted emissions of CO must, ipso facto, increase emissions of CO₂; whereas CO₂ emissions can mainly be reduced by burning less fuel; whereas this requires advances in both engine and car design and fuel quality.

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