

**Opinion of the Economic and Social Committee on the 'Proposal for a European Parliament and Council Directive on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC'<sup>(1)</sup>**

(1999/C 101/03)

On 23 October 1998 the Council decided to consult the Economic and Social Committee, under Article 100a of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 19 January 1999. The rapporteur was Mr Bagliano.

At its 360th plenary session (meeting of 27 January 1999), the Economic and Social Committee adopted the following opinion by 97 votes to one with four abstentions.

## 1. Introduction

1.1. This proposal follows on from the undertaking of the European Parliament and Council, expressed in recital 6 of 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<sup>(2)</sup>.

1.2. The recital reads as follows:

'emissions control legislation on agricultural and forestry tractor engines, ensuring a level of environmental protection equivalent to the level established pursuant to this Directive, with standards and requirements fully consistent with it, should be introduced as soon as possible'.

1.3. The 'action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors', as set out in the present draft directive, comes under the EEC type-approval procedure for tractors contained in framework Directive 74/150/EEC and 22 separate directives.

1.4. Among these 22 separate directives, Directive 77/537/EEC — for which provision is made in Annex II of the framework directive — concerns the pollution caused by diesel engines for use in agricultural or forestry tractors, but deals only with the opacity of exhaust gases.

The present draft directive now provides further measures concerning, in particular, physical and chemical emissions, i.e. '... gaseous pollutants (carbon monoxide, hydrocarbons, and nitrogen oxides) and polluting particulates' (Annex I, point 1.2).

1.5. Framework Directive 74/150/EEC must therefore be amended, so that its Annex II covers these new rules as well.

## 2. The draft directive

2.1. The draft directive's legal basis is Treaty Article 100a, as it falls within the scope of measures 'for the approximation of the provisions laid down by law' in Member States, in this case relating to type-approval of agricultural or forestry tractors.

2.2. The draft directive extends the test procedures and limit values for gaseous pollutants and polluting particulates laid down in Directive 97/68/EC for non-road mobile machinery to agricultural and forestry tractors.

2.3. The timetable (Article 4) establishes that the Member States:

- shall bring into force the necessary provisions by 31 December 2000;
- shall apply these provisions from 1 October 2001;
- may not, from 1 January 2001, refuse to grant EC type-approval if the pollutants emitted meet the requirements of the directive;
- may no longer, from 1 October 2001, grant EC type-approval if the pollutants emitted do not meet the requirements of the directive;
- shall, from 1 October 2003, prohibit the registration of tractors whose engines do not comply with the directive.

2.4. Any further reductions in limit values by the end of 2006 may only be decided on the basis of appropriate 'studies and research to be conducted into existing and foreseeable technological potential and into the

<sup>(1)</sup> OJ C 303, 2.10.1998, p. 9.

<sup>(2)</sup> ESC opinion: OJ C 153 of 28.5.1996.

cost-effectiveness of the options, in order to allow production on an industrial scale of agricultural or forestry tractors that are capable of meeting these more stringent limits'.

2.5. Member States may provide tax incentives to promote the production of engines complying with the directive.

### 3. Comments

3.1. The Committee welcomes the draft directive, which lays down the same test requirements for the type-approval of motors and tractors as those already adopted for non-road mobile machinery, together with the corresponding emission limit values, so as to 'ensure an equivalent level of environmental protection'.

#### 3.2. *Timetable*

In principle, the Committee takes a realistic approach to timetables and deadlines for the entry into force and application of provisions, geared to assessing their practicality. In this case there is a logical link with Directive 97/68 (non-road mobile machinery) to which the Annexes refer explicitly. Here, the Committee would simply urge the Commission to ensure that its interpretation is clear and accurate, so as to avoid deadlines overlapping.

#### 3.3. *Engine marking*

The opinion on Directive 97/68/EC (non-road mobile machinery) already pointed to a problem in this regard,

recommending that it 'be brought more clearly into line with actual needs' (point 4.6). The same applies to the present draft directive concerning agricultural tractor engines. The obligation to place the additional mark 'on the top side of the engine' (Annex I, Appendix 3, point 3) would not ensure direct visibility in practice, thereby negating the original aim of the mark, which is to back up the main mark. The Committee therefore proposes that the words 'the top side' be deleted.

Alternatively, placing a label on the side window or door of the vehicle might be considered.

#### 3.4. *Fuel*

It follows logically from the draft directive's reference to Directive 97/68/EC that the reference fuel — to be used for gaseous emission tests — should be that specified in Annex IV of the directive on non-road mobile machinery. This fuel was specially developed for this type of machinery.

It should, however, be borne in mind that agricultural tractors are also subject to the provisions of Directive 77/537/EEC on smoke emissions (see point 1.4 above), and Annex V stipulates the use of another reference fuel for checking such emissions. The Committee calls for this anomaly to be removed as soon as possible by bringing the reference fuel requirements of the 1977 directive into line with the more up-to-date requirements under the 1997 non-road mobile machinery directive (which sets the date as 1 January 2001).

Brussels, 27 January 1999.

*The President*  
*of the Economic and Social Committee*  
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