

Opinion of the European Economic and Social Committee on the 'proposal for a Directive of the European Parliament and of the Council 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 compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles'

(COM(2003) 522 *final* - 2003/0205 (COD))

(2004/C 108/04)

On 22 October 2003 the Council decided to consult the Economic and Social Committee, under Article 95 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 16 December 2003. The rapporteur was Mr Ranocchiari.

At its 405th plenary session (meeting of 28 January 2004), the Economic and Social Committee adopted the following opinion by 113 votes to one.

1. Introduction

1.1 The European Commission's intention, with draft directive COM(2003) 522, is to consolidate Directive 88/77/EEC on exhaust emissions from commercial vehicles, and all subsequent amendments to it adopted by the European Parliament and the Council, into a single text.

1.2 As requested in Articles 4 to 7 of Directive 1999/96/EC, the Commission also proposes three new provisions concerning, respectively, the introduction of on-board diagnostic (OBD) systems, procedures for confirming the durability of emission control systems, and procedures for checking the in-service conformity of such systems.

1.3 The Commission's proposal for these three new provisions is structured differently compared to existing directives concerning the type-approval of motor vehicles. This reflects the aim of making the decision-making process more efficient, and simplifying the proposed legislation so that the European Parliament and the Council can focus more on the content and political direction, leaving the Commission with the task of adopting the requirements needed to implement such direction and content.

1.4 The Commission has adopted a 'split-level' approach with two different, but parallel routes for drafting and adopting the legislation. Under this approach:

1.4.1 the fundamental provisions are laid down by the European Parliament and the Council in a directive based on Article 251 of the Treaty under the co-decision procedure, which establishes the basic principles of the new measures (co-decision proposal);

1.4.2 the technical specifications implementing the fundamental provisions are laid down in a directive adopted by the Commission with the assistance of a regulatory committee for adaptation to technical progress (comitology proposal).

1.5 Document COM(2003) 522 corresponds to the draft directive under the co-decision procedure (see 1.4.1 above); the draft directive under the comitology procedure (see 1.4.2 above) is not yet available.

2. Summary of the Commission proposal

2.1 In drafting its proposal, the Commission has made a clear distinction between the content concerning the introduction of new measures and content relating to consolidation of the text of the directive arising from the amendments previously adopted by the European Parliament and the Council.

2.2 The Commission proposes to introduce new provisions concerning OBD systems to the measures confirming the durability of emission control systems and to the measures to check the in-service conformity of such systems, on the same dates as planned for the entry into force of the Euro 4 and Euro 5 standards.

2.3 On-board diagnostic systems (OBD): the Commission proposes that these be introduced in two successive stages, with the following deadlines for entry into force:

- i. first stage: October 2005 for new type-approvals and October 2006 for all type-approvals;
- ii. second stage: October 2008 for new type-approvals and October 2009 for all type-approvals.

2.3.1 In the first stage, the OBD system is required to detect failures in the engine control system, where such failures are caused by an increase in emissions above predefined threshold limits. The system must also be able to detect 'major functional failures' in any emission after treatment systems, such as particulate filters and/or catalysis.

2.3.2 In the second stage, the OBD system is required to detect not only failures in the engine control system, but also any deterioration of the efficiency of emission after treatment systems which could cause an increase in exhaust emissions above predefined threshold limits.

2.4 Measures confirming the durability of emission control systems

2.4.1 The Commission proposes the following definitions of the 'useful life' of the vehicles⁽¹⁾ to which the engines covered by the directive are to be fitted:

- i. N1 vehicles: 100 000 km or five years,
- ii. N2 and M2 vehicles: 200 000 km or six years,
- iii. N3 and M3 vehicles: 500 000 km or seven years.

2.4.2 With effect from October 2005, manufacturers seeking type-approval for new engines will have to demonstrate emission compliance for the entire useful life of the type of vehicle to which they are to be fitted.

2.4.3 With effect from October 2006, all engines fitted to new vehicles must comply with this provision.

2.5 Checking in-service conformity: the above definitions of useful life for commercial vehicles as set out above will also apply to checks on the conformity of engines in service.

⁽¹⁾ M = vehicles for the carriage of passengers: M1 (8 seats + 1); M2 (> 8 seats + 1 and total weight < 5t); M3 (> 8 seats + 1 and total weight > 5t); N = vehicles for the carriage of goods; N1 (total weight <= 3.5t); N2 (total weight > 3.5t <= 12t); N3 (total weight > 12t).

3. General comments

3.1 EU enlargement means that consolidated versions of the main directives are needed in the interests of greater clarity and transparency. The adoption of a consolidated version of Directive 88/77/EC is therefore required, and the Committee acknowledges the work done by the Commission to this end.

3.2 The Committee agrees that a specific debate on the content relating to the consolidation of the directive is not necessary, since it is in line with decisions already adopted by the Committee⁽²⁾ itself, the European Parliament, and the Council.

3.3 The proposal to follow a split-level approach entails two different but parallel routes for drafting and adopting technical and legislative provisions.

3.3.1 Separating the fundamental provisions underpinning the definition of the proposed measures from the technical details required to implement them can play a key part in simplifying and speeding up the legislative process.

3.3.2 The Committee supports the approach adopted by the Commission in proposing new provisions regarding the introduction of OBD systems and measures regarding the durability of emission control systems and in-service conformity.

3.3.3 The technical details for implementation can be discussed and defined by experts made available by the Member States to the Commission through the committee on adaptation to technical progress.

3.3.4 The Committee urges the Commission also to take note of the contributions that the industry and other interested parties may wish to make to the definition of these technical details.

3.4 The Committee must however point to the significant delay in presenting the Commission's proposals on OBD systems, durability and in-service compliance in relation to the dates set out in Articles 4 and 7 of Directive 1999/96/EC mentioned in point 1.2 above.

3.5 The Committee also feels it must warn that the dates for the entry into force of the proposed new measures are dangerously close.

⁽²⁾ OJ C 41 of 18.2.1991; OJ C 155 of 21.6.1995; OJ C 407 of 28.12.1998.

3.5.1 Any delays in adopting the two parallel directives, i.e. one under the co-decision procedure and the other under the comitology procedure, would leave the industry with no time to seek type-approval for engines which are scheduled for entry onto the market in 2005.

4. Specific comments

4.1 OBD systems for commercial vehicles will be introduced in Europe considerably earlier than on other markets, including the American and Japanese ones. As a result the kind of prior experience which, in contrast, was available in the previous phase when OBD systems were introduced for cars, will be absent.

4.2 In order to be ready in 2005, European engine manufacturers had to launch the design and preparation programmes for OBD systems years ago, on the basis of proposals they had put forward and of discussions within the MVEG ⁽³⁾ forum, on which Member State experts as well as the Commission are represented.

4.2.1 The point of no return, after which the basic system strategies can no longer be modified, was reached some time ago; system span values are now being defined.

4.2.2 The delay before the two parallel directives are published in final form is however a serious problem. The introduction of any unexpected modifications would make it

impossible to meet the deadlines for entry into force of the measures.

4.3 The need to demonstrate the efficiency of emission control systems entails tests which require sufficient advance notification. Once again, the delay before the final versions of the parallel directives are presented could give rise to significant problems.

5. Conclusions

5.1 The Committee warmly welcomes the new split-level approach which the Commission intends to try out with the draft directive under examination. Separating the fundamental principles and policy objectives of the legislation from the technical details for implementation will simplify and speed up the legislative process.

5.2 The Committee considers that the European Parliament and the Council must adopt the Commission's proposal as a matter of the utmost urgency.

5.3 The Committee therefore hopes that the Council and the European Parliament will make every possible effort to reach a common position in good time, so that the proposal for a directive can be adopted before next April. Any further delay would seriously jeopardise the chances of meeting the deadlines for the entry into force of the new measures concerning durability and OBD systems.

Brussels, 28 January 2004.

*The President
of the European Economic and Social
Committee*

Roger BRIESCH

⁽³⁾ Motor Vehicle Emissions Group.