

Motor vehicles: type approval with respect to emissions and on access to repair information

2005/0282(COD) - 20/06/2007 - Final act

PURPOSE: to establish common technical requirements for the type approval of motor vehicles (vehicles) and replacement parts, such as replacement pollution control devices, with regard to their emissions.

LEGISLATIVE ACT: Regulation (EC) No 715/2007 of the European Parliament and of the Council on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information.

CONTENT: the Council, accepting all the amendments suggested by the European Parliament in its first reading opinion, adopted a regulation on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles and on access to vehicles repair and maintenance information. The regulation harmonises the technical requirements for the type approval of motor vehicles with regards to emissions, while ensuring a high level of environmental protection.

The thematic strategy on air pollution, adopted by the Commission communication of 21 September 2005, concludes, namely, that to achieve EU air quality objectives, further reductions in emissions from the transport sector will be needed. The Euro 5 and 6 standards are one of the measures designed to reduce emissions of particulate matter and ozone precursors such as nitrogen oxides and hydrocarbons.

The regulation establishes a standardised method of measuring fuel consumption and carbon dioxide emissions of vehicles, which is necessary to ensure that no technical barriers to trade arise between Member States. Furthermore, it provides for supplying customers and users with objective and precise information. Member States should be able, by means of financial incentives, to accelerate the placing on the market of vehicles which satisfy the requirements adopted at Community level as long as such incentives comply with the provisions of the Treaty, in particular the rules on state aid, in order to avoid distortions of the internal market.

This Regulation shall apply to vehicles of categories M1, M2, N1 and N2 as defined in Annex II to Directive 70/156/EEC with a reference mass not exceeding 2 610 kg. At the manufacturer's request, type approval granted under this Regulation may be extended from vehicles covered by paragraph 1 to M1, M2, N1 and N2 vehicles as defined in Annex II to Directive 70/156/EEC with a reference mass not exceeding 2 840 kg and which meet the conditions laid down in this Regulation and its implementing measures.

With effect from the entry into force of this Regulation (2 July 2007), if a manufacturer so requests, the national authorities may not, on grounds relating to emissions or fuel consumption of vehicles, refuse to grant EC type approval or national type approval for a new type of vehicle, or prohibit the registration, sale or entry into service of a new vehicle, where the vehicle concerned complies with this Regulation and its implementing measures, and in particular with the Euro 5 or Euro 6 limit values. With effect from 1 September 2009, and from 1 September 2010 in the case of category N1 class II and III and category N2 vehicles, the national authorities shall refuse, on grounds relating to emissions or fuel consumption, to grant EC type approval or national type approval for new types of vehicle which do not

comply with this Regulation and its implementing measures, and in particular with the Annexes, with the exception of the Euro 6 limit values set out in Annex I. For the test on tailpipe emissions, the limit values applied to vehicles designed to fulfil specific social needs shall be the same as for category N1 class III vehicles.

The timetable for the application of the specific standards are as follows:

- September 2009: Euro 5 applies to all new car models (light commercial vehicles and special needs cars in September 2010).
- January 2011: Euro 5 applies to all new cars (light commercial vehicles and special needs cars in January 2012).
- September 2014: Euro 6 applies to all new car models (light commercial vehicles and special needs cars in January 2015).
- September 2015: Euro 6 applies to all new cars (light commercial vehicles and special needs cars in January 2016).

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In addition, the technical measures taken by the manufacturer must be such as to ensure that the tailpipe and evaporative emissions are effectively limited, pursuant to this Regulation, throughout the normal life of the vehicles under normal conditions of use. Therefore, in-service conformity measures shall be checked for a period of up to five years or 100 000 km, whichever is the sooner.

Durability testing of pollution control devices undertaken for type approval shall cover 160 000 km. To comply with this durability test, the manufacturers should have the possibility to make use of test bench ageing.

The specific procedures, tests and requirements for type approval as well as implementation requirements, which are designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted by 2 July 2008 in accordance with the regulatory procedure with scrutiny. This shall include establishing the requirements relating to: (a) tailpipe emissions, including test cycles, low ambient temperature emissions, emissions at idling speed, smoke opacity and correct functioning and regeneration of after treatment systems; (b) evaporative emissions and crankcase emissions; (c) OBD systems and in-use performance of pollution control devices; (d) durability of pollution control devices, replacement pollution control devices, in-service conformity, conformity of production and roadworthiness; (e) measurement of greenhouse gas emissions and fuel consumption; (f) hybrid vehicles and alternative fuel vehicles; (g) extension of type approvals and requirements for small volume manufacturers; (h) test equipment; and (i) reference fuels, such as petrol, diesel, gaseous fuels and biofuels, such as bioethanol, biodiesel and biogas.

As regards vehicle repair and maintenance information, the main measures of the Regulation are the following:

- Manufacturers shall provide unrestricted and standardised access to vehicle repair and maintenance information to independent operators through websites using a standardised format in a readily accessible and prompt manner, and in a manner which is non-discriminatory compared to the provision given or access granted to authorised dealers and repairers. With a view to facilitating the achievement of this

objective, the information shall be submitted in a consistent manner, initially in accordance with the technical requirements of the OASIS format. Manufacturers shall also make training material available to independent operators and authorised dealers and repairers;

- For the purposes of the design and manufacture of automotive equipment for alternative fuel vehicles, manufacturers shall provide the relevant on-going diagnostic (OBD) and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for alternative fuel vehicles;

- The manufacturer shall make subsequent amendments and supplements to vehicle repair and maintenance information available on its websites at the same time they are made available to authorised repairers;

- Manufacturers may charge reasonable and proportionate fees for access to vehicle repair and maintenance information covered by this Regulation; a fee is not reasonable or proportionate if it discourages access by failing to take into account the extent to which the independent operator uses it.

- Manufacturers shall make available vehicle repair and maintenance information on a daily, monthly, and yearly basis, with fees for access to such information varying in accordance with the respective periods of time for which access is granted;

- Not later than 2 July 2011, the Commission shall present to the European Parliament and to the Council a report on the operation of the system of access to vehicle repair and maintenance information, with particular consideration being given to the effect on competition and the operation of the internal market and the environmental benefits. The report shall consider whether it would be appropriate to consolidate all provisions governing access to vehicle repair and maintenance information within a revised framework directive on type approval;

- Manufacturers shall demonstrate that all new vehicles sold, registered or put into service in the Community are type approved in accordance with this Regulation and its implementing measures. Manufacturers shall also demonstrate that all new replacement pollution control devices requiring type approval which are sold or put into service in the Community are type approved in accordance with this Regulation and its implementing measures.

The regulation establishes a standardised method of measuring fuel consumption and carbon dioxide emissions of vehicles, which is necessary to ensure that no technical barriers to trade arise between Member States. Furthermore, it provides for supplying customers and users with objective and precise information.

Member States should be able, by means of financial incentives, to accelerate the placing on the market of vehicles which satisfy the requirements adopted at Community level as long as such incentives comply with the provisions of the Treaty, in particular the rules on state aid, in order to avoid distortions of the internal market.

Member States shall lay down the provisions on penalties applicable for infringement by manufacturers of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 2 January 2009 and shall notify it without delay of any subsequent amendment affecting them. The types of infringements which are subject to a penalty shall include: a) making false declarations during the approval procedures or procedures leading to a recall; b) falsifying test results for type approval or in-service conformity; c) withholding data or technical specifications which could lead to recall or withdrawal of type approval; d) use of defeat devices; and e) refusal to provide access to information.

ENTRY INTO FORCE: 02/07/2007. It will apply from 03/01/2009, with the exception of Articles 10(1) (type approval) and 12 (financial incentives) which shall apply from 02/07/2007.