

Air quality: provisions for engines placed on the market under the flexibility scheme

2010/0195(COD) - 25/10/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 572 votes to 68, with 14 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 97/68/EC as regards the provisions for engines placed on the market under the flexibility scheme.

Parliament adopted its position at first reading, under the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the Commission proposal as follows:

Percentage of engines: a recital states that during Stage III B, the maximum number of engines used for applications other than the propulsion of railcars, locomotives and inland waterways vessels that may be placed on the market under the flexibility scheme should be increased, in each engine category, **from 20% to 37.5%** of the annual quantity of equipment with engines in that category that is placed on the market by the equipment manufacturer.

An optional alternative of placing a fixed number of engines on the market under the flexibility scheme should be available. That fixed number of engines should also be revised and should not exceed the ceilings laid down in section 1.2.2 of Annex XIII to Directive 97/68/EC.

Railcars: the amended text stipulates that railcars should be left out the flexibility scheme, as legislated in directive 2004/26/EC.

By way of **derogation**, Member States may authorise the placing on the market of the **following engines for railcars and locomotives**:

(a) **replacement engines that meet the Stage III A limits**, where they are to replace engines for railcars and locomotives that: (i) do not meet the Stage III A standard; or (ii) meet the Stage III A standard but do not meet the Stage III B standard;

(b) **replacement engines that do not meet Stage III A limits**, where they are to replace engines for railcars without driving control and not capable of independent movement, so long as such replacement engines meet a standard no lower than the standard met by engines fitted to existing railcars of the same type.

Authorisations under this paragraph may be granted only in cases where the approval authority of the Member State is satisfied that the use of a replacement engine that meets the requirements of the latest applicable emissions stage in the railcar or locomotive in question will involve significant technical difficulties.

A **label** bearing the text “REPLACEMENT ENGINE” and bearing the unique reference of the associated derogation shall be affixed to engines covered by this Directive.

The Commission shall **assess the environmental impacts** of, and possible technical difficulties in respect of compliance. In the light of that assessment, the Commission shall, by **31 December 2016**, submit to the European Parliament and the Council a review accompanied, if appropriate, by a legislative proposal including an end date for the application of that provision.

Limited period: the rules applicable to the flexibility scheme should be adapted to extend the application of that scheme to engines for use in the propulsion of locomotives for a strictly limited period of time

Support programmes to enterprises: enterprises operating with machines that fall within the scope of this Directive should benefit from European financial support programmes or any relevant support programmes provided by Member States. Those support programmes should be aimed at favouring the early introduction of the highest emission standards.

Revision of Directive 97/68/EC: in order to ensure that the revised Directive is in line with Union standards for good air quality, and in the light of experience, scientific findings and available technologies, the Commission should, in the upcoming revision of the Directive 97/68/EC and subject to impact assessment, consider:

- establishing a new emission stage - Stage V - that should be based, subject to technical feasibility, on the requirements of Euro VI standards for heavy-duty vehicles;
- introducing new requirements for the reduction of particulate matter, namely a particulate number limit that applies for all compression ignition engine categories, where technically feasible, so as to ensure an effective reduction of ultra-fine particles;
- taking a comprehensive approach to promoting emission-reducing provisions and retrofitting of after-treatment systems on the existing fleet of non-road mobile machinery on the basis of the currently ongoing discussions under the auspices of the United Nations Economic Commission for Europe regarding harmonised requirements for retrofit emission control devices; this approach should support Member States' efforts to improve air quality and to promote the protection of workers;
- establishing a method providing for the periodic testing of non-road mobile machinery and vehicles, in particular to establish whether their emissions performance complies with the values given at registration;
- the possibility of authorising, under certain conditions, replacement engines that do not comply with Stage III A requirements for railcars and locomotives;
- the possibility of harmonising the specific emission standards for rail with relevant standards at international level so as to ensure the availability of affordable engines that comply with the emission limits set.

The text stipulates that the current global financial and economic crisis or any conjunctural economic fluctuations should not lead to a lowering of environmental standards. This revision of Directive 97/68/EC should therefore be considered to be exceptional.