

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

2010/0195(COD) - 16/11/2011 - Final act

PURPOSE: to amend Directive 97/68/EU and adapt the rules applicable to the flexibility scheme provided for in that Directive in order to help engine manufacturers in view of the temporary difficulty faced by the manufacturing sector.

LEGISLATIVE ACT: Directive 2011/88/EU 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.

CONTENT: following an agreement at first reading with the European Parliament, the Council adopted a directive amending Directive 97/68/EC as regards the provisions for engines placed on the market under the flexibility scheme in order to help engine manufacturers to adapt progressively to stricter environmental requirements and cope with the difficulties resulting from the financial crisis. The Danish delegation voted against.

Directive 97/68/EC regulates the maximum exhaust emissions of carbon oxide (CO), hydrocarbons (HC) nitrogen oxides (HC), nitrogen oxides (NOx) and particulates (PM) from diesel engines installed in non-road mobile machinery and contributes to the protection of human health and the environment.

Directive 97/68/EC also provided that emission limits applicable to type approval of the majority of diesel engines under Stage IIIA were to be replaced by the more stringent limits under Stage IIIB. Those limits apply from 1 January 2010 as regards the type approval for these engines and from 1 January 2011 with regard to their placing on the market.

The flexibility scheme allows equipment manufacturers to purchase, during the emissions stage in force, a limited number of engines that do not comply with the emissions limits applicable during that stage, but which are approved in accordance with the requirements of that stage immediately preceding the applicable one.

The new Directive amends the provisions of the flexibility scheme provided for in Directive 97/68/EC:

- by increasing the percentage of engines which can be placed on the market while complying with the previous stage emission limits, **from 20% to 37.5%** of the manufacturer's annual sales;
- by extending such flexibility to engines used in locomotives;
- by providing for a limited exemption for replacement engines in railcars and locomotives.

Authorisations 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 provision.

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

**The 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 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 ;
- 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.

ENTRY INTO FORCE: 13/12/2011.

TRANSPOSITION: 24/11/2012.