Emission limits and type-approval for internal combustion engines for non-road mobile machinery

2014/0268(COD) - 05/07/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 623 votes to 57 with 27 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery.

Parliament's position adopted in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Objective and scope of the regulation: the regulation aims to: (i) broaden the scope of Union legislation in the field of **market harmonisation**, while minimising the risk of market distortions; (ii) **simplify the current legal framework**, and to improve the general conditions for enforcement of such legislation, in particular by strengthening the rules on market surveillance.

The legislation will define the categories of internal combustion engines in non-road mobile machinery (NRMM), such as lawn mowers, bulldozers, diesel locomotives and inland waterway vessels, which will be divided into sub-categories according to the power of the engine. For each category, it sets **emission limits for CO, HC, NOX and particulate matter (PM)** and deadlines for implementing them, starting from 2018. The new emission limits will be applied to engines for non-road mobile machinery as well as for agricultural and forestry machinery.

Engines for **export** and for use by the **armed forces** should not be subject to the emission limits laid down in the regulation. However, in order to distinguish such engines from engines that are subject to those emission limits, markings should be required in certain cases.

The new regulation also provides for (i) certain exemptions to the emission limit requirements in respect of engines to be used in potentially explosive atmospheres and in lifeboat launch vehicles; (ii) certain exemptions and rules in respect of engines that incorporate new technologies or new concepts.

Protection for persons working in the vicinity of machinery: Parliament stressed the need to keep the cumulative exposure of persons working in the vicinity of several different items of mobile machinery and equipment as low as possible. It recommended that technology that is currently available should be used to minimise emissions.

Member States are free to lay down such requirements as they may deem necessary to ensure that the public and workers are protected whenever non-road mobile machinery is in use, provided that such requirements do not affect the placing on the market of engines for such machinery.

Retrofitting of engines already in service: given the long lifetime of non-road mobile machinery, Members proposed considering the retrofitting of engines already in service. Such retrofitting should, in particular, target densely populated urban areas as a means of helping Member States to comply with Union air quality legislation.

Obligations of economic operators: **manufacturers** should keep the EU type-approval certificate with its attachments and, where applicable, a copy of the statement of conformity at the disposal of the

approval authorities for a **period of 10 years** after the placing on the market of an engine. They should provide national authorities, upon reasoned request and via the approval authority, with a copy of the EU type-approval certificate for an engine.

An **importer** that has reason to believe or considers that an engine is not in conformity with the regulation, and in particular that it does not correspond to its EU type approval, should not place the engine on the market until it has been brought into conformity.

Engine types and engine families should be designed and fitted with emission control strategies in such a way as to **prevent tampering** to the extent possible. The use of **defeat strategies should be prohibited.**

Monitoring of emissions of in-service engines: Members suggested that testing should be conducted under the **responsibility of the manufacturer** and in compliance with the requirements of the approval authority.

The Commission shall conduct **monitoring programmes** for each engine category to determine to what extent the emissions measured from the test cycle correspond to the **emissions measured in actual operation**. Those programmes and their results shall, on a yearly basis, be the subject of a presentation to the Member States and, subsequently, of a communication to the public.

Statement of conformity: the statement of conformity shall specify the particular features and restrictions that are to apply to the engine. It may also be delivered in the form of a secure electronic file.

The Commission may adopt implementing acts laying down the template for the statement of conformity, including the features aimed at preventing forgery and allowing verification of the secure electronic file.

Exchange of data and information: national authorities should be required to cooperate efficiently with each other and with the Commission, and to exchange data and information relating to EU type approvals by means of the Internal Market Information System ('IMI'). A module of IMI specifically customised for non-road mobile machinery should be established. Manufacturers and technical services may use IMI for the exchange of data and information on engines for non-road mobile machinery.

Transitional provisions: during the period between the repeal of Directive 97/68/EC and compulsory dates for Phase V, it should not only still be possible to grant EU type-approvals under Directive 97/68 /EC, but also the applicable exemptions. Transition engines may continue to be placed on the market during the transition period provided that the machinery in which the transition engine is installed has a production date not later than **18 months** following the start of the transition period.

For engines of the category NRE used in **mobile cranes**, Member States shall authorise an extension of the transition period by an additional 12 months.

For a period **not exceeding 10 years** from the applicable date for the placing on the market of Stage V engines set out in Annex III, Member States may authorise the placing on the market of engines of category RLL with a maximum net power greater than 2000 kW that do not comply with the emission limits set out in Annex II, and which are to be installed in **locomotives** which only run on a technically isolated 1520 mm railway network.

Review: by 31 December 2018, the Commission shall submit a report regarding the assessment of the possibility of laying down **harmonised measures for the installation of retrofit emission control devices in engines in non-road mobile machinery** that has already been placed on the Union market. That report shall also address technical measures and financial incentive schemes as a means of helping Member States to comply with Union air quality legislation, by assessing possible action against air pollution in densely populated areas, and with due respect for the Union rules on state aid.