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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 2000/25/EC as regards the application of emission stages to narrow-track tractors

(Text with EEA relevance)

SEC(2011) 44 final

SEC(2011) 43 final

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

This proposal provides for an amendment to European Parliament and Council Directive 2000/25/EC of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors.¹

The objective of Directive 2000/25/EC is to guarantee the free movement of agricultural and forestry tractors whilst reducing permissible exhaust emission levels of engines in order to protect the health and well-being of citizens as well as the environment.

The Directive defines successive stages reducing the exhaust emission limits largely coherent with the provisions of Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery².

Following the definition of further reductions of the limits of gaseous and particulate polluting emissions from internal combustion engines to be installed in non-road mobile machinery adopted with Directive 2004/26/EC of the European Parliament and the Council³, Directive 2000/25/EC was amended by Commission Directive 2005/13/EC of 21 February 2005⁴.

The new limits of gaseous and particulate polluting emissions were defined to provide reductions in excess of 90% of the previously regulated values, with a view to have secondary exhaust after treatment systems for both PM and NO_x adopted on the vast majority of the engines and machines covered by the respective directives by the time the most advanced stage becomes compulsory.

In view of those challenges and given the uncertainties about the actual technical feasibility of those goals, Directive 2004/26/EC provided for the Commission to conduct a technical review, in particular to “consider the available technology, including the cost/benefits, with a view to confirming Stage III B and IV limit values and evaluating the possible need for additional flexibilities, exemptions or later introduction dates for certain types of equipment or engines and taking into account engines installed in non-road mobile machinery used in seasonal applications”⁵.

¹ OJ L 173, 12.7.2000, p. 1.

² OJ L 69, 27.2.98, p. 1.

³ OJ L 146, 30.4.2006, p.1.

⁴ OJ L 55, 1.3.2005, p. 35.

⁵ OJ L 146, 30.4.2004, article 2.

Directive 2000/25/EC, as amended, in Article 4 (8) established a link to the technical review provided for in Directive 2004/26/EC in order to investigate the issues related to agricultural tractors and in particular those in categories T2, T4.1 and C2 (the so-called narrow-track tractors, maximum width less than 1,15 m).

The results of the technical evaluation confirmed the feasibility of the challenging limits set by the co-legislators in the vast majority of engines intended for installation on non-road machinery and on agricultural tractors. However, for the agricultural tractors in categories T2, T4.1 and C2 an amendment of the requirements was deemed necessary.

- **General context**

In order to fulfil the obligations set by Article 2 of Directive 2004/26/EC and by Article 4(8) of Directive 2000/25/EC, EC - DG ENTR awarded a contract to DG JRC to investigate all the aspects requested by those Directives.

For the issue of agricultural tractors, DG JRC assessed the situation of categories T2, T4.1 and C2 with literature research, and direct evaluation of the vehicles visiting five manufacturers of different sizes and employing different technologies, one of them can be classified as a SME. Their production covers the vast majority of narrow-track tractors placed on the European market.

The tractors covered by the research emerged as typical European products developed to meet the requirements of specialised agriculture in southern European (specifically Mediterranean) agriculture. The overwhelming majority of these tractors is sold in the EU.

The results of this analysis were presented during successive GEME meetings starting from June 2006 and confirmed in the draft final Report issued in December 2007 and published on the CIRCA website.

Contrary to other issues where multiple options were indicated, the only conclusion of DG JRC was that the tractors in categories T2, T4.1 and C2 should be exempted from stages IIIB and IV of Directive 2000/25/EC. This conclusion received the support of some Member States and no negative reaction.

These findings by JRC were confirmed in an Impact Assessment study performed by Arcadis in 2008-2009 under contract for EC - DG ENTR. The Arcadis study clearly indicated the advantage for environment of the proposed postponement: without it users would not be in a position to buy up-to-date tractors of Stage IIIA and would continue using (very) old machines ('stage 0' level). In addition Arcadis shows negative impacts of economic and social nature if the proposal were not adopted.

- **Existing provisions in the area of the proposal**

The following two directives are relevant in this respect:

- European Parliament and Council Directive 97/68/EC of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the

emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery, as amended.

- European Parliament and Council Directive 2000/25/EC of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC, as amended.

- **Consistency with other policies and objectives of the Union**

Directive 97/68/EC is based on the Community programme of policy and action in relation to the environment and sustainable development.⁶

Directive 2000/25/EC represents the transposition to the agricultural tractors sector of the same goals and policy.

This proposal is consistent with the current Community environmental policy and objectives as detailed in the Sixth Environmental Action Programme (COM(2001) 31 final)⁷, which lists improvement of the air quality as a priority objective to be attained, *inter alia*, by enforcing product-specific exhaust emission limits. The Sixth Environmental Action Programme defines a policy making method based on participation and sound knowledge, according to which:

“Broad involvement of stakeholders will be central to the successful implementation of the Sixth Programme, and in every stage of the policy process from agreeing targets to putting measures into practice. Sound scientific knowledge and economic assessments, reliable and up to-date data and information and the use of indicators will underpin the drawing-up, implementation and evaluation of environmental policy”

The proposed delay is fully aligned with this method of policy making: it covers the Stage IIIB and IV limits laid down in the Directive 2000/25/EC for tractors of categories T2, T4.1 and C2 insofar as these have been found to be technically impossible to meet by all stakeholders and the DG JRC independent study.

2. RESULTS OF CONSULTATIONS WITH INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Member States and stakeholders have been presented the issue and the results of the DG JRC investigation during various meetings of the Experts Group on Non-road mobile machinery engines. Among other meetings, on 21 November 2008 Member States have been consulted during a meeting of the Committee for Adaptation to Technical Progress - agricultural tractors. Support was expressed by Austria, Finland, Germany, Greece, Italy, Spain, Sweden and the United Kingdom; no negative

⁶ Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 1 February 1993 (OJ C 138, 17.5.1993, p. 1).

⁷ OJ C 154E, 29.5.2001, p. 218.

positions were recorded. In addition, a meeting with industry representatives took place on 2 September 2010 in order to review the latest technological developments.

- **Collection and use of expertise**

Scientific/expertise domains concerned

Exhaust emissions from NRMM engines and agricultural tractors.

Main organisations/experts consulted

DG JRC; Experts Group on exhaust emissions from NRMM engines and working group on agricultural tractors.

Means used to make the expert advice publicly available

Publication on CIRCA website of the JRC and Arcadis reports on technical review of NRMM engines exhaust emission legislation. Communication at the meetings of the Commission experts group on emissions from Non Road Mobile Machinery engines (GEME) and of the working group and Committee on agricultural tractors.

- **Impact assessment**

The Commission undertook a formal impact assessment in 2010, based on the previously mentioned technical studies and taking into account recent technological developments. The conclusion was that technical solutions are likely to be feasible, although not in the timeframe set in current legislation. A delay of 3 years for Stage IIIB and Stage IV requirements was assessed as the preferred option.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

It is proposed that the dates given in Article 4 of Directive 2000/25/EC for type approval and initial entry into service of Stages IIIB and IV shall be delayed by three years for tractors of categories T2, C2 and T4.1 as defined in Directive 2003/37/EC.

- **Legal basis**

This proposal is based on Article 114 of the Treaty.

- **Subsidiarity principle**

The objectives of the proposed action, namely, to ensure the ongoing functioning of the internal market by requiring agricultural tractors to comply with harmonised environmental exhaust provisions, cannot be sufficiently achieved by Member States acting alone and can therefore, by reason of their scale and effects, be better achieved at Union level.

This proposal therefore complies with the subsidiarity principle as set out in Article 5 of the Treaty.

- **Proportionality principle**

The proposed amendment does not go beyond what is necessary to achieve the objectives set out above.

Independent experts and stakeholders concur that the stage IIIB and IV limits for the agricultural tractor types covered by the proposed amendment are not technically feasible. Severe disruption to the internal market and to the agricultural sectors using those tractors in the Union would thus result if the entry into force of the relevant stage IIIB and IV limits were not delayed.

Even though strong technical arguments have been made by industry for the complete exemption of these tractors, they have not been included. The proposal therefore describes the absolute essential amendments considered necessary to ensure an appropriate balance of burdens on industry alongside ensuring that the environmental objectives, wherever possible, have been met.

This proposal therefore complies with the proportionality principle as set out in Article 5 of the Treaty.

- **Choice of instruments**

Proposed instruments: directive.

Other means would not be adequate for the following reason: amendment to an existing Directive.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Union budget.

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narrow-track tractors

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission⁸,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee⁹,

Having regard to the opinion of the Committee of the Regions¹⁰

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Directive 2000/25/EC of the European Parliament and of the Council of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC¹¹ regulates exhaust emissions from engines installed in agricultural and forestry tractors. The stage of emission limits currently applicable for type approval of the majority of compression ignition engines is referred to as Stage IIIA. The Directive provides that those limits will be replaced by the more stringent Stage IIIB limits, entering into force progressively as of 1st January 2010 as regards the type approval and as of 1st January 2011 with regard to the placing on the market of those engines.
- (2) Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2004 amending Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal

⁸ OJ C [...], [...], p. [...].

⁹ OJ C [...], [...], p. [...].

¹⁰ OJ C [...], [...], p. [...].

¹¹ OJ L 173, 12.7.2000, p. 1

combustion engines to be installed in non-road mobile machinery¹², provides in Article 2 (b) that the Commission shall consider the available technology, including the cost-benefit, with a view to confirming stage IIIB and IV limit values and evaluating the possible need for additional flexibilities, exemptions or later introduction dates for certain types of equipment or engines and taking into account engines installed in non-road mobile machinery used in seasonal applications. In Article 4 (8), Directive 2000/25/EC provides for a review clause in order to take into account the specificities of tractors of categories T2, T4.1 and C.2.

- (3) Directive 97/68/EC was the subject of several technical studies. As a result of these technical studies carried out in 2007, 2009 and 2010 and confirmed by the impact assessment carried out by the Commission, it was established that it is not technically feasible for tractors classified within the categories T2, C2 and T4.1 to meet the requirements of stages IIIB and IV already at the dates foreseen in the Directive.
- (4) In order to prevent Union legislation from prescribing technical requirements which cannot be met yet and in order to prevent that tractors of categories T2, C2 and T4.1. can no longer be type-approved and placed on the market or put into service, it is therefore necessary to provide for a transitional period of three years, within which tractors classified in categories T2, C2 and T4.1 may still be type-approved and placed on the market or put into service.
- (5) Directive 2000/25/EC should therefore be amended accordingly.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

In Article 4 of Directive 2000/25/EC, the following paragraph is added:

"9. By way of derogation from points (d) and (e) of paragraph 2 and from paragraph 3, for tractors of categories T2, C2 and T4.1, as defined in Annex II, Chapter A, point A.1 and Annex II, Chapter B, Appendix 1, Part I, point 1.1 of Directive 2003/37/EC and equipped with engines of categories L to R, the dates set out in points (d) and (e) of paragraph 2 and in paragraph 3 shall be postponed for three years. Until such dates, the requirements of Stage IIIA in this Directive shall continue to apply. "

Article 2

Transposition

1. Member States shall adopt and publish, by [6 months minus 1 day as from entry into force] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from [6 months as from entry into force] .

¹² OJ L 225, 25.6.2004, p. 3.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, [...]

For the European Parliament
The President
[...]

For the Council
The President
[...]