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Report

drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection

on the proposal from the Commission of the European Communities to the Council (doc. 467/75) for a directive on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors

Rapporteur: Mr W. SCHWABE

PE 43.518/fin.

1.2.5

By letter of 22 December 1975 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors.

The President of the European Parliament referred this proposal to the Committee on Public Health and the Environment as the committee responsible and to the Committee on Economic and Monetary Affairs and the Committee on Regional Policy and Transport for their opinions.

On 26 January 1976 the Committee on Public Health and the Environment appointed Mr Schwabe rapporteur.

It considered the proposal at its meetings of 16 February and 22 March 1976.

At its meeting of 22 March the committee unanimously adopted the motion for a resolution and the explanatory statement.

Present: Mr Della Briotta, chairman; Lord Bethell and Mr Premoli, vice-chairmen; Mr Schwabe, rapporteur; Mr Adams, Mrs Boothroyd, Mr Brégère, Mr De Sanctis, Mr Dondelinger (deputizing for Mr Didier), Mr Evans, Lady Fisher of Rednal, Sir Peter Kirk, Mr W.Müller, Mr Knud Nielsen, Mr Noé, Mr Rivierez, Mr Schmidt (deputizing for Mr Walkhoff), Mr Spicer and Mr Springorum.

The opinions of the Committee on Economic and Monetary Affairs and the Committee on Regional Policy, Regional Planning and Transport are attached.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution together with explanatory statement.

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors.

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council, pursuant to Article 100 of the EEC Treaty (Doc. 467/75),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Regional Policy, Regional Planning and Transport (Doc. 65/76);
1. Approves the measures proposed by the Commission to reduce the emission of pollutants from diesel engines used in wheeled agricultural or forestry tractors;
 2. Is of the opinion that approval of such engines should be refused and their sale, registration, entry into service and use prohibited if they do not satisfy the requirements laid down in the attached annexes;
 3. Approves of the harmonization of design regulations at EEC level, since this will help to rationalize production, to the advantage of manufacturers and purchasers alike;
 4. Urges the Commission and the Council to replace as speedily as possible the system of optional harmonization by standard Community legislation in all Member States;
 5. Requests the Commission to include in its proposal the following amendments pursuant to Article 149, second paragraph of the EEC Treaty.

¹OJ No. C 10, 15.1.1976, p.2

Proposal for a Council directive on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors

Preamble and first three recitals unchanged

whereas in the interests of the protection of the environment it is necessary that a single Community system should ultimately be adopted for all Member States.

Articles 1 to 5 unchanged

Article 6

Article 6

Paragraphs 1 and 2 unchanged

3. The Commission shall subsequently submit to the Council a supplementary proposal for the adoption of a single Community system for all Member States.

Article 7 unchanged

Annexes I to X unchanged

¹For full text see OJ No. C 10, 15.1.1976, p.2

EXPLANATORY STATEMENTI. Introduction

1. This proposal for a directive falls within the context of the EEC type-approval procedure for wheeled agricultural or forestry tractors which was the subject of Council Directive No. 74/150/EEC of 4 March 1974¹.

Within the framework of the directive on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors, the Commission has already presented to the Council several proposals for implementing directives including those on braking devices, the permissible driver-perceived noise level, the installation of lighting and light signalling devices, the field of vision and the wind-screen wipers, the rear-view mirrors, the steering device and the anti-roll device.

2. On the other hand this proposal is designed to reduce the emission of pollutants by the diesel engines which power a number of the aforesaid tractors. The Commission considers this necessary, since agricultural and forestry tractors form an increasingly large proportion of the traffic in certain agricultural areas. In dealing with the technical problems, the Commission has followed the Council directive on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles².

II. Consideration of the proposal

3. The proposed directive comprises a legal section and ten technical annexes.

After the definition of the term 'tractor' in Article 1 of the draft directive, Articles 2 and 3 provide that Member States may not refuse to grant EEC type-approval nor refuse the registration nor prohibit the sale, entry into service or use of any tractors satisfying the requirements laid down in the annexes attached.

Article 6 provides that the directive shall be implemented with effect from 1 April 1978.

¹ OJ No. L 84, 28.3.1974, p.10

² OJ No. L 190, 20.8.1972

4. The Committee on Public Health and the Environment welcomes this proposal since it aims at reducing the emission of pollutants from diesel-engined tractors.

It urges the Council of the European Communities to approve this directive soon so that Member States and manufacturers can make the necessary preparations for implementing the provisions of this directive in law and in practice on the dates proposed by the Commission.

5. A brief discussion of the provisions of Articles 2 and 3 is called for.

Despite the fact that the European Parliament has frequently pointed to the inadequacy of 'optional harmonization' where protection of the environment or safety is concerned, the Commission has in the present proposal once again failed to take account of Parliament's views.

Where safety or protection of the environment is at stake, the European Parliament is, however, unable to agree to 'optional harmonization', since it does not exclude the possibility that vehicles might be permitted to use the roads which do not comply with the standards laid down in the annexes.

6. The Committee on Public Health and the Environment therefore shares the view taken by the Committee on Regional Policy and Transport in the report by Mr Herbert on the directives concerning braking devices and lighting and light signalling devices on agricultural and forestry tractors (Doc.364/74) and consequently proposes to add a paragraph 3 to Article 6 of the draft directive with a view to the eventual replacement of the proposed optional system of approval by one single Community system.

7. Finally, it may be noted that, as well as helping to reduce pollution, standardization of regulations relating to tractor design will also help to rationalize production. Manufacturers will thus, have access to a larger market. This will also be to the advantage of buyers, in this instance farmers, since increased production should mean lower costs and therefore lower prices.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Letter of 13 April 1976 from Mr Mitterdorfer, draftsman, to Mr Della Briotta, chairman of the Committee on the Environment, Public Health and Consumer Protection

Dear Mr Chairman,

At its meeting in Brussels on 12 and 13 April 1976, the Committee on Economic and Monetary Affairs considered the proposal for a directive on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors (Doc. 467/75).

This proposal, aimed at simplifying approval and testing of these engines under the Community type-approval procedure, is a contribution towards achieving the internal market and meets with the approval of the Committee on Economic and Monetary Affairs.

Please consider this letter as the unanimously adopted¹ opinion for your committee on this proposal for a directive.

(sgd) K. MITTERDORFER
(draftsman)

¹Present: Mr Van der Hek, chairman; Mr Mitterdorfer, draftsman; Lord Ardwick, Mr Artzinger, Mr Delmotte, Mr Deschamps, Mr Dykes, Mrs Kellett-Bowman (deputizing for Sir Brandon Rhys Williams), Mr Lange, Mr Normanton, Mr Nyborg and Mr Suck.

OPINION OF THE COMMITTEE ON REGIONAL POLICY, REGIONAL PLANNING AND TRANSPORT

Letter from the chairman, Mr EVANS, to Mr DELLA BRIOTTA, Chairman of the Committee on the Environment, Public Health and Consumer Protection

Luxembourg, 18 March 1976

Dear Mr Chairman,

The Committee on Regional Policy, Regional Planning and Transport was asked to give your committee its opinion on the proposed directive concerning the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors (Doc. 467/75).

The committee considered the proposal at its meeting of 17 March 1976 and adopted the following opinion unanimously¹. It was noted that the present proposal forms part of a series of directives concerning tractors on which it has reported in the past.

The only observation the committee would make on the present proposal, which it considers entirely acceptable, is that it might be desirable to make provision for the standards provided for in the proposal to become ultimately a compulsory Community minimum standard; as at present drafted the directive only provides, in Articles 2 and 3, that EEC type-approval must be granted if a tractor satisfies the requirements laid down in Annexes I, II, III, IV and VI, and equally that no Member State may refuse registration, sale, entry into service or use of any such tractor. This does not however prohibit the use within Member States of tractors emitting pollutants in excess of those permitted by the proposal.

¹Present: Mr Evans, chairman; Mr Nyborg and Mr Meintz, vice-chairmen; Mr Albers, Mr De Clercq, Mr Ellis, Mrs Ewing, Mr Gerlach, Mrs Kellett-Bowman, Mr Mursch, Mr Knud Nielsen, Mr Noé and Mr Walkhoff (deputizing for Mr Hamilton).

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As far as road safety requirements are concerned the committee has consistently expressed the view that an ultimate compulsory harmonization, to a minimum level, is desirable, and it therefore invites the Committee on Public Health and the Environment to consider whether this approach might not be equally desirable for the protection of the environment. This could be achieved by adding a new Article 7 to the proposal, after Article 6, which could read as follows :

"7. The Commission shall subsequently submit to the Council a further proposal for the adoption of a single Community system for all the Member States."

(Sgd.) John EVANS

