

Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (Text with EEA relevance) (repealed)

DIRECTIVE 2005/55/EC OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 28 September 2005

on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles

(Text with EEA relevance) (repealed)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽²⁾,

Whereas:

- (1) Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles⁽³⁾ is one of the separate Directives under the type-approval procedure laid down by Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers⁽⁴⁾. Directive 88/77/EEC has been substantially amended several times to introduce successively more stringent pollutant emission limits. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) Council Directive 91/542/EEC⁽⁵⁾ amending Directive 88/77/EEC, Directive 1999/96/EC of the European Parliament and of the Council of 13 December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines

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fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC⁽⁶⁾, and Commission Directive 2001/27/EC⁽⁷⁾ adapting to technical progress Council Directive 88/77/EEC have introduced provisions which, while being autonomous, are closely linked to the scheme established under Directive 88/77/EEC. Those autonomous provisions should be fully integrated into the recast of Directive 88/77/EEC in the interests of clarity and legal certainty.

- (3) It is necessary that all the Member States adopt the same requirements, in order, in particular, to permit the implementation, for each vehicle type, of the EC type-approval system which is the subject of Directive 70/156/EEC.
- (4) The Commission's programme on air quality, road transport emissions, fuels and emission abatement technologies, hereinafter 'the first Auto-Oil programme', showed that further reductions in pollutant emissions from heavy-duty vehicles were necessary with a view to achieving future air quality standards.
- (5) Reductions in emission limits applicable from the year 2000, corresponding to abatements of 30 % in emissions of carbon monoxide, total hydrocarbons, oxides of nitrogen and particulate matter were identified by the first Auto-Oil programme as key measures for the achievement of medium-term air quality. A reduction of 30 % in exhaust smoke opacity should additionally contribute to the reduction of particulate matter. Additional reductions in emission limits applicable from the year 2005, corresponding to additional abatements of 30 % in carbon monoxide, total hydrocarbons and oxides of nitrogen and 80 % in particulate matter should greatly contribute to air quality improvement in the medium to longer term. The additional limit for oxides of nitrogen applicable in the year 2008 should result in a further 43 % reduction in the emission limit for this pollutant.
- (6) Type-approval tests for gaseous and particulate pollutants and smoke opacity are applicable to allow for a more representative evaluation of the emissions performance of engines under test conditions that more closely resemble those encountered by vehicles in-service. Since 2000 conventional compression-ignition engines and those compression-ignition engines fitted with certain types of emission control equipment have been tested over a steady-state test cycle and using a new load response test for smoke opacity. Compression-ignition engines fitted with advanced emission control systems have, in addition, been tested over a new transient test cycle. From 2005, all compression-ignition engines should be tested on all those test cycles. Gas fuelled engines are only tested on the new transient test cycle.
- (7) Under all randomly selected load conditions within a defined operating range, the limit values may not be exceeded by more than an appropriate percentage.
- (8) In laying down new standards and test procedures, it is necessary to take account of the impact on air quality of future traffic growth in the Community. The work undertaken by the Commission in this sphere has shown that the motor industry in the Community has made great strides in the perfection of the technology allowing a considerable reduction in emissions of gaseous and particulate pollutants. However, it is still necessary to press for further improvements in emission limits and other technical requirements in the interests of environmental protection and public health. In particular, the results of

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ongoing research into the characteristics of ultra-fine particulates should be taken into account in any future measures.

- (9) It is necessary that further improvements be made to the quality of motor fuels to enable the efficient and durable performance of emission control systems in service.
- (10) New provisions for on-board diagnostics (OBD) should be introduced from 2005 with a view to facilitating the immediate detection of the deterioration or failure of engine emission control equipment. This should enhance diagnostic and repair capability, significantly improving the sustainable emission performance of in-service heavy-duty vehicles. Since, on the worldwide stage, OBD for heavy-duty diesel engines is in its infancy, it should be introduced in the Community in two stages to allow for system development so that the OBD system does not give false indications. In order to assist the Member States in ensuring that the owners and operators of heavy-duty vehicles meet their obligation to repair faults indicated by the OBD system, the distance covered or the time that has elapsed after a fault has been indicated to the driver should be recorded.
- (11) Compression-ignition engines are inherently durable and have demonstrated that, with proper and effective maintenance, they can retain a high level of emissions performance over the significantly high distances travelled by heavy-duty vehicles in the course of commercial operations. However, future emission standards will push the introduction of emission control systems downstream of the engine, such as deNO_x systems, diesel particulate filters and systems that are a combination of both and, perhaps, other systems yet to be defined. It is therefore necessary to establish a useful life requirement on which to base procedures for ensuring the compliance of an engine's emission control system throughout that reference period. In establishing such a requirement, due account should be taken of the considerable distances covered by heavy-duty vehicles, of the need to incorporate appropriate and timely maintenance and of the possibility of type-approving category N₁ vehicles in accordance with either this Directive or Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles⁽⁸⁾.
- (12) Member States should be allowed, by means of tax incentives, to expedite the placing on the market of vehicles that satisfy the requirements adopted at Community level, provided that such incentives comply with the provisions of the Treaty and satisfy certain conditions intended to prevent distortion of the internal market. This Directive does not affect the right of the Member States to include emissions of pollutants and other substances in the basis for calculating road traffic taxes on motor vehicles.
- (13) Since some of those tax incentives are State aids under Article 87(1) of the Treaty, they would have to be notified to the Commission under Article 88(3) of the Treaty for evaluation in accordance with the relevant criteria of compatibility. The notification of such measures in accordance with this Directive should be without prejudice to the obligation to notify under Article 88(3) of the Treaty.
- (14) With the aim of simplifying and accelerating the procedure, the Commission should be entrusted with the task of adopting measures implementing the fundamental provisions

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laid down in this Directive as well as the measures for adapting the annexes of this Directive to scientific and technical progress.

- (15) The measures necessary for the implementation of this Directive and its adaptation to scientific and technical progress should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁹⁾.
- (16) The Commission should keep under review the need to introduce emission limits for pollutants which are as yet unregulated and which arise as a consequence of the wider use of new alternative fuels and new exhaust emission control systems.
- (17) The Commission should submit proposals it may deem appropriate for a further stage for limit values for NO_x and particulate emissions as soon as possible.
- (18) Since the objective of this Directive, namely the realisation of the internal market through the introduction of common technical requirements concerning gaseous and particulate emissions for all types of vehicles, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective.
- (19) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directives. The obligation to transpose the provisions which are unchanged arises under the earlier Directives.
- (20) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex IX, Part B.

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 108, 30.4.2004, p. 32.](#)
- (2) Opinion of the European Parliament of 9 March 2004 ([OJ C 102 E, 28.4.2004, p. 272](#)) and Council Decision of 19 September 2005.
- (3) [OJ L 36, 9.2.1988, p. 33.](#) Directive as last amended by the 2003 Act of Accession.
- (4) [OJ L 42, 23.2.1970, p. 1.](#) Directive as last amended by Commission Directive 2005/49/EC ([OJ L 194, 26.7.2005, p. 12](#)).
- (5) [OJ L 295, 25.10.1991, p. 1.](#)
- (6) [OJ L 44, 16.2.2000, p. 1.](#)
- (7) [OJ L 107, 18.4.2001, p. 10.](#)
- (8) [OJ L 76, 6.4.1970, p. 1.](#) Directive as last amended by Commission Directive 2003/76/EC ([OJ L 206, 15.8.2003, p. 29](#)).
- (9) [OJ L 184, 17.7.1999, p. 23.](#)