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agenda item 4.2.)

PROPOSAL FOR DRAFT SUPPLEMENT 1 TO THE 01 SERIES OF AMENDMENTS
TO REGULATION No. 96

(Off-road engines)

Addendum 1

Transmitted by the Expert from Poland

Note: The text reproduced below was prepared by the expert from Poland in order to supplement his original proposal (TRANS/WP.29/GRPE/2001/9) with amendments to annex 1B and with additional justifications. The relevance of amendments intended to harmonize the text of the Regulation with Directive 97/68/EC has been confirmed by the expert from the European Community after the forty-second session of GRPE (TRANS/WP.29/GRPE/42, paras. 36 and 37).

Note: This document is distributed to the Experts on Pollution and Energy only.

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A. PROPOSAL

Annex 1B, */

Paragraph 1.8., the second part renumber as para. 1.9., to read:

"1.9. Exhaust after-treatment
oxidation catalyst
reduction catalyst
thermal reactor
particulates trap
identical ratio: system capacity/fuel delivery per stroke" **/

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B. ADDITIONAL JUSTIFICATIONS (to doc. TRANS/WP.29/GRPE/2001/9)

1. The new paragraph 5.2.3. (former 5.2.2.) reads:

"5.2.3. The emission limits given in paragraph 5.2.1. are engine-out limits and shall be achieved before any exhaust after-treatment device."

This provision is included in Directive 97/68/EC (Annex 1, point 4.2.2.), but it is applicable only to point 4.2.1. in which the stage I limits are included. **It is not applicable to the stage II limits.**

01 series of amendments to Regulation No. 96 comprises only the stage II limits, because the new (stage II) table has replaced the old (stage I) one. In this connection by virtue of paragraph 5.2.3. the requirements in the 01 series must be satisfied without any after-treatment device (measurements upstream of an after-treatment device) but those in the Directive may be met using an after-treatment device (measurements downstream of an after-treatment device). Consequently the new paragraph 5.2.3. must be deleted to align the 01 series of amendments with the Directive. This represents a considerable change in substance.

2. Paragraphs 11.2. to 11.5. imply that under the 1958 Agreement, after the entry in force of the 01 series of amendments to Regulation No. 96, a Contracting Party may grant the type approval **according to the stage I requirements** to all engines of E, or F, or G, or D power bands, to which the 01 series of amendments is applicable i.e. both tractor engines and non-road machinery engines, but as from the specified dates may refuse to grant such a type approval.

*/ Note by the secretariat: Additional amendments (to paras. 1.3., 1.7. and 1.8.) were proposed by the expert from Poland in order to align the provisions with Directive 97/68/EC. However, the examination of the text of the Regulation has shown that the relevant modifications had already been introduced by Supplement 1, which entered into force on 5 March 1997.

**/ Note by the secretariat: The proposed text (in bold) could not be found in Directive 97/68/EC.

As regards tractor engines of power not less than 37 kW, the above is true (by virtue of the original version of Regulation No. 96).

However, the situation is quite different for non-road machinery engines. It is not possible to grant a type approval under the initial version, because it was not applicable to this category of engines. The 01 series of amendments are applicable to this category, although it is also not possible to grant a type approval according to stage I requirements for the following reason:

The stage I limits are not included in the 01 series because the new (only stage II) table has replaced the whole old (stage I) one (pay attention to the wording used in the 01 series "Paragraph 5.2.1., the table, amend to read"). It means that the stage I requirements are not applicable to non-road machinery engines. It is known that an intention of EUROMOT was to make the 01 series applicable to non-road machinery engines: stage I limits from the beginning and stage II limits at the dates specified in the Directive; however, the initial EUROMOT proposals were modified by the experts from Italy. What matters is not an intention, but the approved provision.

In this legal situation it is not allowed, even forbidden, under the 1958 Agreement for any Contracting Party to grant type approvals for non-road machinery engines according to the stage I requirements.

As regards engines of power band D this ban refers, for obvious reasons, to both tractor and non-road machinery engines.

Paragraphs 11.2. to 11.5. are not logical, misleading etc. and as such require the amendments proposed in document TRANS/WP.29/GRPE/2001/9.
