

SECRETARY OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
2009-03-23

Secretariat of Environment and Sustainable Development

ENVIRONMENTAL POLLUTION

Resolution 35/2009

Limits on pollutant emissions, noise, and parasitic radiation from motor vehicles. Procedure for obtaining the respective approval certificate. Validity. Extensions.

Buenos Aires, February 23, 2009

See Regulatory Background

HAVING SEEN file No. 04770/2008 of the registry of the SECRETARY of ENVIRONMENT and SUSTAINABLE DEVELOPMENT of the CHIEF OF STAFF, and

WHEREAS:

Pursuant to Article 33 of Law No. 24,449 and Decree No. 779 of November 20, 1995, all motor vehicles must comply with the limits on polluting emissions, noise, and parasitic radiation established in the regulations.

That PEN Decree 779/95, regulating the aforementioned Law, designates the Secretariat of Natural Resources and Human Environment, later the Secretariat of Environment and Sustainable Development of the Ministry of Health and Environment, now under the jurisdiction of the Chief of the Cabinet of Ministers, as the competent authority for all aspects related to the emission of pollutants, noise, and parasitic radiation from motor vehicles.

In this capacity, it is empowered to approve the configurations of motor vehicle models with regard to the aforementioned aspect, determining the procedure to be followed to obtain the respective approval certificate.

Likewise, in order to fulfill its assigned duties, the organization must define the testing methods, measurements, verifications, certifications, and additional documentation required. It may also accept tests carried out in other countries, as well as define new emission limits or accept limits based on international standards, European Directives, or United Nations and/or regional regulations and MERCOSUR regulations.

The technological advancements experienced by motor vehicles and emissions testing methodologies in recent years have meant that the accepted limits for the aforementioned polluting emissions have been surpassed by said technological advances, and it is advisable to establish an update schedule for them.

That Decree 779/95, in section 5.3 of article 33, establishes the concept of continuous updating in testing methodologies and limits of polluting emissions from motor vehicles, by establishing the same European Directives mentioned above as the reference threshold, but enabling reference to European Directives that are published subsequently.

That the same approach has been adopted in SAyDS Resolutions Nos. 1270/02 and 731/05, extending it to include United Nations Regulations and establishing new testing methodologies as well as new limits for contaminants, to be met in stages until 2011.

That SAyDS Resolutions Nos. 1654/07 and 489/08 established new modifications to the testing methodologies and the entry into force of the On-Board Diagnostic Systems (OBD or DOB) for some types of Diesel cycle vehicles.

That compliance with the limits for polluting emissions established therein is related to and conditioned by the quality of diesel fuel available.

That Resolution SE No. 1283/07 established the entry into the market of diesel fuel compatible with the EURO IV gaseous emission limits as of June 1, 2009.

It is convenient and necessary to make compatible the entry into force of the new EURO IV limits established by S AyDS Resolution No. 731/05 with the availability of diesel fuel of adequate quality, as well as to extend the entry into force dates established in S AyDS Resolutions Nos. 1654/07 and 489/08.

It is also appropriate, within the framework of the principle of predictability, to establish with sufficient anticipation the validity of future regulations beyond the already established EURO IV, regarding certification and limits of gaseous pollutant emissions.

That the LEGAL DELEGATION of the SECRETARY of ENVIRONMENT and SUSTAINABLE DEVELOPMENT and the GENERAL DIRECTORATE of LEGAL AFFAIRS of the CHIEF OF STAFF have taken action within their jurisdiction.

That this measure is issued pursuant to Article 16 of the Law on Ministries (as amended by Decree No. 438 of March 12, 1992) and its amendments; the objectives approved by Article 2 of Decree No. 357 of February 21, 2002, and its amendments; and the General Regulations of Law No. 24,449, approved by Article 1 of Decree No. 779 of November 20, 1995.

Therefore,

THE SECRETARY OF ENVIRONMENT AND SUSTAINABLE DEVELOPMENT OF
THE OFFICE OF THE CHIEF OF STAFF

RESOLVES:

Article 1º — Establish June 1, 2009 as the effective date for the certification of gaseous pollutant emission limits in accordance with the provisions of stages B1 of European Directives 1998/69/CE and 1999/96/CE (EURO IV for light and heavy vehicles) for new models of N1 diesel light vehicles, for those in the M1 category weighing more than 2,500 Kilograms (Kg.) or with more than seven (7) seats and the engines that equip heavy vehicles across the range.

Art. 2° — Extend until May 31, 2009 the validity of the certification for new models in accordance with the limits of polluting emissions established in stages A of European Directives 1998/69/CE and 1999/96/CE (EURO III) only for N1 diesel light vehicles, of the M1 category greater than 2500 Kilograms (Kg.) or with more than seven (7) seats and the engines that equip heavy vehicles in the entire range. The validity of the vehicles and engines thus certified will be extended until December 31, 2011, date after which this type of vehicles and engines that equip heavy vehicles may not be manufactured or imported, for sale in the Argentine domestic market.

Art. 3° — Extend until May 31, 2009 the validity of the provisions of article 3 of Resolution SAyDS No. 1654/2007 regarding the possibility of certification by the engine bench method for new models of diesel motor vehicles classified in category N1 not derived from category M1. The new models thus certified will be valid until December 31, 2011, date as of which all vehicles belonging to the aforementioned category that are manufactured or imported for the Argentine domestic market must comply with the provisions of article 1 of this resolution (compliance with the test methodology and limits for EURO IV on a chassis dynamometer).

Art. 4° — Extend until June 1, 2009, the provisions of Article 1 of SAyDS Resolution No. 489/2008 regarding the requirement for On-Board Diagnostic Systems, provided for in Article 3 of SAyDS Resolution No. 731/2005, only for new models of light diesel-cycle vehicles belonging to the N1 category in all classes and for those in the M1 category with a maximum mass greater than 2,500 kilograms (kg) or with more than six seats other than the driver's seat. As of January 1, 2012, all vehicles belonging to the aforementioned categories, manufactured or imported for sale in the Argentine domestic market, must comply with the provisions of Articles 3, 4, 5, and 6 of SAyDS Resolution No. 731/2005.

Art. 5° — Extend the validity of the Gaseous Emissions Certificates issued prior to the publication of this document, which comply with the EURO III and EURO IV gaseous emission limits for heavy-duty engines, which will expire on December 31, 2015, and December 31, 2017, respectively. The same procedure shall be adopted for the Noise Emissions Certificates issued to heavy-duty

vehicles, the validity of which has been reduced in accordance with the validity of the Gaseous Emissions Certificate of the engine that equips them. Certificates previously issued for light vehicles in accordance with the EURO IV Gaseous Emissions limits will be valid until December 31, 2017, with the exception of M1 light vehicles with a gross total weight equal to or less than TWO THOUSAND FIVE HUNDRED (2,500) kilograms, which will be valid until December 31, 2016, except for those whose motorization is integrated with N1 light vehicles from which they are derived, which will be valid until December 31, 2017.

(Article replaced by art. 1 of Resolution No. 1464/2014 (/normativa/nacional/resolución-1464-2014-240942) of the Secretariat of Environment and Sustainable Development BO 16/1/2015)

Art. 6° — Establish January 1, 2015 as the effective date for the certification of gaseous pollutant emission limits for new models of M1 light vehicles with a total gross weight equal to or less than TWO THOUSAND FIVE HUNDRED (2,500) kilograms, excluding those whose engines are integrated with N1 light vehicles from which they are derived, and January 1, 2016 for new models of the remaining light vehicles and heavy vehicles (in all their categories) powered by liquid or gaseous fuels in accordance with the provisions of European Regulations 715/2007 and 692/2008, for light vehicles stage A and European Directive 2005/55 for heavy engines Stages B2 and C. In the case of light vehicles, compliance with Type VI test (Low temperature emissions test) is excepted. As of January 1, 2018, this requirement will be extended to all heavy vehicles and/or engines that equip them, which are manufactured or imported for sale in the Argentine domestic market, as well as to all light vehicles and/or engines that equip them that are manufactured or imported for sale in the Argentine domestic market, with the exception of light vehicles M1 with a total gross weight equal to or less than TWO THOUSAND FIVE HUNDRED (2,500) kilograms, which must comply with this requirement as of January 1, 2017, except for those whose motorization is integrated with light vehicles N1 from which they are derived, which must comply as of January 1, 2018.

For all heavy vehicles and/or engines fitted thereto, manufactured or imported for sale in the Argentine domestic market, as well as all light vehicles and/or engines fitted thereto, manufactured or imported for sale in the Argentine domestic market, originating in countries where the regulations referred to in this paragraph apply, the limits of gaseous pollutant emissions may be certified in accordance with the provisions of the standardized measurement conditions stipulated by the UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US-EPA), in the so-called "Code of Federal Regulation" Title 40, Part 86 - "Control of air pollution from new vehicle engines", FTP-75 method; and must comply with the limits described in the TIER 2 Bin 5 standard and its successive modifications for the light duty vehicles [LDV], light duty trucks [LDT], and medium duty passenger vehicles [MDPV] categories. *(Paragraph incorporated by art. 2 of Resolution No. 385/2018 (/normativa/nacional/resolución-385-2018-311696) of the Ministry of Environment and Sustainable Development, Official Gazette of June 21, 2018)*

Likewise, said vehicles must comply with the standard corresponding to the aforementioned legislation regarding the technical requirements of the on-board diagnostic system (OBD-US) and levels of evaporative hydrocarbon emissions (CFR - Code of Federal Regulation - Title 40, Part 86) and crankcase, if applicable. *(Paragraph incorporated by art. 2 of Resolution No. 385/2018 (/normativa/nacional/resolución-385-2018-311696) of the Ministry of Environment and Sustainable Development, Official Gazette of June 21, 2018)*

(Article replaced by art. 2 of Resolution No. 1464/2014 (/normativa/nacional/resolución-1464-2014-240942) of the Secretariat of Environment and Sustainable Development BO 16/1/2015)

Art. 7° — Establish, as of the date of publication of this document, that all certification of a new model or engine must be requested at least six (6) months in advance of the date on which the expiration date established for the testing methodology, limits of pollutants or other technical characteristics related to polluting emissions, both gaseous and noise, operates.

Art. 8 – Register, communicate, publish, give to the National Directorate of the Official Registry and archive. — Homero M. Bibiloni.

Regulatory Background:

- Article 5 replaced by Article 1 of Resolution No. 901/2014 (/normativa/nacional/resolución-901-2014-234161) of the Undersecretariat of Environment and Sustainable Development, Official Gazette of 1/9/2014;
- Article 6 replaced by Article 2 of Resolution No. 901/2014 (/normativa/nacional/resolución-901-2014-234161) of the Undersecretariat of Environment and Sustainable Development, Official Gazette of 1/9/2014;
- Article 6 replaced by Article 2 of Resolution No. 1315/2013 (/normativa/nacional/resolución-1315-2013-222044) of the Secretariat of Environment and Sustainable Development, Official Gazette of 11/12/2013;
- Article 5 replaced by Article 1 of Resolution No. 1315/2013 (/normativa/nacional/resolución-1315-2013-222044) of the Secretariat of Environment and Sustainable Development Official Gazette 11/12/2013;
- Article 6 replaced by Article 2 of Resolution No. 1448/2012 (/normativa/nacional/resolución-1448-2012-204336) of the Secretariat of Environment and Sustainable Development Official Gazette 06/11/2012;
- Article 5 replaced by Article 1 of Resolution No. 1448/2012 (/normativa/nacional/resolución-1448-2012-204336) of the Secretariat of Environment and Sustainable Development Official Gazette 06/11/2012;
- Article 6 replaced by Article 3 of Resolution No. 1800/2011 (/normativa/nacional/resolución-1800-2011-191347) of the Secretariat of Environment and Sustainable Development Official Gazette of December 13, 2011;
- Article 5 replaced by Article 1 of Resolution No. 1800/2011 (/normativa/nacional/resolución-1800-2011-191347) of the Secretariat of Environment and Sustainable Development, Official Gazette of December 13, 2011;

- Article 6 replaced by Article 2 of Resolution No. 1434/2011 (/normativa/nacional/resolución-1434-2011-187747) of the Secretariat of Environment and Sustainable Development Official Gazette 4/10/2011;
- Article 5 replaced by Article 1 of Resolution No. 1434/2011 (/normativa/nacional/resolución-1434-2011-187747) of the Secretariat of Environment and Sustainable Development, Official Gazette of 10/4/2011.

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