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In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 1175 final

Brussels, 24 July 1974

Proposal for a

COUNCIL DIRECTIVE

modifying the Council Directive of 6 February 1970  
on the approximation of the laws of the Member States  
relating to the permissible sound level and the  
exhaust system of motor vehicles

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(submitted to the Council by the Commission)

## EXPLANATORY MEMORANDUM

### 1. GENERAL

The application of the provisions of Council Directive of 6 February 1970 (70/157/EEC) relating to the permissible sound level and the exhaust system of motor vehicles (1) has already led to a significant reduction in the noise nuisance in urban centres of the Community. This is to be further reinforced by the application of the provisions of Commission Directive of 7 November 1973 (73/350/EEC) which adapts the above-mentioned Directive to technical progress in exhaust systems.

However, the continued increase in the number of vehicles on the road has made partially inefficient the effect of these provisions. This situation, together with increased demands to protect the urban population and environment against noise nuisance, means that the limits permitted in the first Directive must henceforth be made more stringent.

Furthermore, on 20 June 1973 and 5 September 1973 respectively, the Governments of France and the United Kingdom informed the Commission of their interest in a substantial reduction of the present limits and invited the Commission to examine the corresponding possibilities. In addition a noise reduction is already contained in the declaration of the Council on 22 November 1976 relating to the Community Action Programme on Environment.

Given that the provisions of the Directive of 6 February 1970 exclude noise level limits from the procedure for adaptation to technical progress, the Commission has drawn up this proposal for a Directive having first consulted experts from the Member States in the Working Group "Removal of technical barriers to trade".

(1) O.J. of the European Communities N° L 42, 23 February 1970, p. 16.

As a result of these consultations and in view of the complexity of the problem, it was agreed to provide for both short-term and longer-term action.

The short-term programme - which is the subject of this proposal for a directive - aims at an initial reduction in the present limits without changing the test method and in accordance with the same vehicle classification scheme, laid down in the Directive already adopted. The aim of the longer-term programme is to find a new method of noise measurement which reflects the actual conditions in which vehicles are used in urban traffic and will, on the basis of the results of current studies and research and in accordance with the procedure laid down for adaptation to technical progress, lead to further amendments to the Directive of 6 February 1970.

With respect to the short-term action, the results of meetings with national experts and the interested professional bodies have enabled the Commission departments responsible to gather the information necessary to draw up this proposal for a directive. The latter is based on the fact that technical progress in automobile construction has led to a significant reduction in vehicle noise level. The proposed reductions do, however, take account of the need to allow modifications to be made to the above mentioned test method, the effect of which will be to make the specifications for some types of car even more stringent. For this reason the reduction proposed for other types of vehicle is greater and may be as much as four decibels for buses, i.e., a reduction of about 50 %. Indeed, the Commission considered that it is possible to further reduce the limits for these vehicles, in view of their major contribution to urban traffic noise and also with a view to reducing the gap between the limits permitted for the various categories of vehicle.

In the Commission's view, this reduction for buses is no more than a first step and is to be followed by further significant reductions aimed at keeping the sound emissions from these vehicles to a minimum; this will be technologically feasible as soon as certain design features are widely adopted.

Article 1 of this proposal for a directive will enable the table of permissible limits for the various categories of vehicle (which is given in Annex I of the Directive of 6 February 1970 (70/157/EEC) to be replaced by that in the modifying directive.

Article 2 fixes the time limits for the adoption, publication and application of these new provisions.

## II. CONSULTATIONS WITH THE EUROPEAN PARLIAMENT AND THE ECONOMIC AND SOCIAL COMMITTEE

Under the provisions of Article 100 (2) of the EEC Treaty, the opinion of these two bodies is required.

The implementation of the provisions laid down by the directive means that all Member States will have to amend their legislation.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Having regard to the Council Directive (70/157/EEC) of 6 February 1970 on the approximation of the laws of Member States relating to the permissible sound level and the exhaust system of motor vehicles (1), amended by the Act of Accession (2) provides in its Annex for the permissible limits of noise level of motor vehicles intended for use on the road with or without bodywork having at least four wheels and a maximum design speed exceeding 25 km/h with the exception of vehicles which run on rail or agricultural tractors and machinery and engineering plant;

Whereas the protection of the general public and of the urban environment from noise nuisance requires suitable measures to reduce the noise level of motor vehicles and whereas a reduction has been made possible by technical progress in automobile construction;

Whereas to this purpose it is suited to modify the Annex of the before mentioned Directive by reducing the values expressed in dB (A) of the noise level of every category of vehicle concerned by the above Annex;

HAS ADOPTED THIS DIRECTIVE

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- (1) O.J. of the European Communities N° L 42, 23 February 1970, p.16.
  - (2) O.J. of the European Communities N° L 73, 27 March 1972, pp. 115 and 157.
  - (3) O.J. of the European Communities N° C 112 of 20 December 1973.

Article 1

In the Annex to the Council Directive of 6 February 1970 (70/157/EEC) the table of heading I.1 entitled "Limits", is replaced by the following one :

	Vehicle category	Value expressed in dB(A) (decibels (A) )
I.1.1.	Vehicles intended for the carriage of passengers and comprising not more than nine seats including the driver's seat.	80
I.1.2.	Vehicles intended for the carriage of passengers, comprising more than nine seats including the driver's seat, and having a permissible maximum weight not exceeding 3.5 metric tons.	81
I.1.3.	Vehicles intended for the carriage of goods and having a permissible maximum weight not exceeding 3.5. metric tons.	81
I.1.4.	Vehicles intended for the carriage of passengers, comprising more than nine seats including the driver's seat, and having a permissible maximum weight exceeding 3.5. metric tons.	85
I.1.5.	Vehicles intended for the carriage of goods and having a permissible maximum weight exceeding 3.5 metric tons.	86
I.1.6.	Vehicles intended for the carriage of passengers, comprising more than nine seats including the driver's seat, and having an engine power equal to or exceeding 200 HP DIN.	87
I.1.7.	Vehicles intended for the carriage of goods or materials, having an engine power equal to or exceeding 200 HP DIN and a permissible maximum weight exceeding 12 metric tons.	88



Article 2

With effect from 1 October 1975 the Member States shall not, on grounds relating to the permissible sound level and the exhaust system :

- refuse EEC type-approval, or the delivery of the document referred to in Article 10 (1), second indent, of the Council Directive of 6 February 1970 (70/156/EEC) or the national type-approval for any type of motor vehicle,
- or prohibit the entry into service of vehicles,

if the sound level and the exhaust system of this type of vehicle or of these vehicles comply with the provisions of the Council Directive of 6 February 1970 (70/157/EEC) as last amended by this Directive.

With effect from 1 April 1976, the Member States :

- shall no longer issue the document envisaged in Article 10 (1), second indent, of the Council Directive of 6 February 1970 (70/156/EEC) for a type of vehicle the sound level and the exhaust system of which do not comply with the provisions of the Council Directive of 6 February 1970 (70/157/EEC) as last amended by this Directive,
- may refuse the national type-approval of a type of vehicle the sound level and the exhaust system of which do not comply with the provisions of the Council Directive of 6 February 1970 (70/157/EEC) as last amended by this Directive.

With effect from 1 October 1976 the Member States may prohibit the first entry into service of vehicles the sound level and exhaust system of which do not comply with the provisions of the Council Directive of 6 February 1970 (70/157/EEC) as last amended by this Directive.

Article 3

The Member States shall adopt and publish the provisions necessary in order to comply with this Directive before 1 October 1975 and shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to all the Member States.

Done at Brussels, .....