Directive 80/181/EEC	This Directive
—	Article 9
Article 8	Article 10
Annex, Chapter I, points 1 to 1.2	Annex I, Chapter 1, points 1 to 1.2
Annex, Chapter I, point 1.2.2	Annex I, Chapter I, point 1.2.1
Annex, Chapter I, point 1.2.3	Annex I, Chapter I, point 1.2.2
Annex, Chapter I, points 1.3 to 5	Annex I, Chapter I, points 1.3 to 5
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—	Annex II
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Permissible sound level and exhaust system of motor vehicles ***I

P7_TA(2011)0210

European Parliament legislative resolution of 11 May 2011 on the proposal for a directive of the European Parliament and of the Council on the permissible sound level and the exhaust system of motor vehicles (codified text) (COM(2010)0508 – C7-0288/2010 – 2010/0261(COD))

(2012/C 377 E/37)

(Ordinary legislative procedure – codification)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0508),

— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0288/2010),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 8 December 2010 ([1]),

— having regard to the Interinstitutional Agreement of 20 December 1994 – Accelerated working method for official codification of legislative texts ([2]),

— having regard to Rules 86 and 55 of its Rules of Procedure,

([1]) OJ C 54, 19.2.2011, p. 32.
([2]) OJ C 102, 4.4.1996, p. 2.

— having regard to the report of the Committee on Legal Affairs (A7-0093/2011),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance,

1. Adopts its position at first reading hereinafter set out;

2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2010)0261

Position of the European Parliament adopted at first reading on 11 May 2011 with a view to the adoption of Directive 2011/…/EU of the European Parliament and of the Council on the permissible sound level and the exhaust system of motor vehicles (Codification)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof;

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee [1],

Acting in accordance with the ordinary legislative procedure [2],

Whereas:

(1) Council Directive 70/157/EEC 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 [3] has been substantially amended several times [4]. In the interests of clarity and rationality the said Directive should be codified.

(2) Directive 70/157/EEC is one of the separate Directives of the EC type-approval system provided for in Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) [5],and lays down technical prescriptions concerning the permissible sound level and the exhaust system of motor vehicles. Those technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in Directive 2007/46/EC to be applied in respect of each type of vehicle. Consequently, the provisions laid down in Directive 2007/46/EC relating to systems, components and separate technical units for vehicles apply to this Directive.

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[1] OJ C 54, 19.2.2011, p. 32.
[2] Position of the European Parliament of 11 May 2011.
[3] OJ L 42, 23.2.1970, p. 16.
[4] See Annex IV, Part A.
[5] OJ L 263, 9.10.2007, p. 1.

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(3) It is desirable to take into account the technical requirements adopted by the UN Economic Commission for Europe (UN/ECE) in its corresponding regulations annexed to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') ([1]).

(4) 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 IV, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, 'vehicle' means any motor vehicle intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 kilometres per hour, with the exception of vehicles which run on rails and of agricultural and forestry tractors and all mobile machinery.

Article 2

1. If vehicles or exhaust systems meet the requirements of this Directive, Member States may not, on grounds relating to the permissible sound level or the exhaust system:

(a) refuse to grant EC type-approval or national type-approval in respect of a type of vehicle or a type of exhaust system; or

(b) refuse the registration or prohibit the sale, entry into service or use of vehicles, or the sale or entry into service of exhaust systems.

2. If the requirements of this Directive are not fulfilled, Member States shall, for a type of vehicle and for a type of exhaust system:

(a) not grant EC type-approval; and

(b) refuse to grant national type-approval.

3. Notwithstanding paragraph 2, for the purposes of replacement parts, Member States shall continue to grant EC type-approval and to permit the sale or entry into service of exhaust systems in accordance with versions of Directive 70/157/EEC preceding the version resulting from the amendments introduced by Commission Directive 1999/101/EC of 15 December 1999 adapting to technical progress Directive 70/157/EEC ([2]), provided that such exhaust systems:

(a) are intended to be fitted to vehicles already in use; and

(b) comply with the requirements of that Directive which were applicable when the vehicles were first registered.

([1]) Published as Annex I to Council Decision 97/836/EC (OJ L 346, 17.12.1997, p. 78).
([2]) OJ L 334, 28.12.1999, p. 41.

Article 3

No Member State may, on grounds relating to the permissible sound level or the exhaust system, refuse to grant EC or national type-approval in respect of a component of an exhaust system regarded as a separate technical unit:

(a) if the vehicle satisfies the requirements of Annex I as regards the sound level and exhaust system;

(b) if the component of an exhaust system considered as a separate technical unit within the meaning of point 25 of Article 3 of Directive 2007/46/EC satisfies the requirements of Annex II to this Directive.

Article 4

1. No Member State may, on grounds relating to the permissible sound level or the exhaust system, prohibit the placing on the market of any component of an exhaust system considered as a separate technical unit within the meaning of point 25 of Article 3 of Directive 2007/46/EC if, within the meaning of Article 3 of this Directive, it is of a type in respect of which a type-approval has been granted.

2. Member States shall prohibit the initial entry into service of motor vehicles the sound level or the exhaust systems of which do not comply with the requirements set out in this Directive.

Article 5

The amendments necessary to adapt the requirements of Annexes I, II and III to take account of technical progress, with the exception of the requirements set out under points 2.1 and 2.2 of Annex I, shall be adopted in accordance with the procedure referred to in Article 40(2) of Directive 2007/46/EC.

Article 6

Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 7

Directive 70/157/EEC as amended by the acts listed in Annex IV, Part A is repealed, 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 IV, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

Article 8

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 9

This Directive is addressed to the Member States.

Done at …

For the European Parliament	*For the Council*
The President	*The President*

Wednesday 11 May 2011

List of Annexes

ANNEX I: Provisions for EC type-approval in respect of the sound level of a type of motor vehicle

Appendix 1: Information document

Appendix 2: Model EC type-approval certificate

Addendum to EC type-approval certificate

ANNEX II: Administrative provisions for EC type-approval of exhaust systems as separate technical units (replacement exhaust systems)

Appendix 1: Information document

Appendix 2: Model EC type-approval certificate

Addendum to EC type-approval certificate

Appendix 3: Model for the EC type-approval mark

ANNEX III: Technical requirements

ANNEX IV: Part A: Repealed Directive with list of its successive amendments

Part B: List of time-limits for transposition into national law and application

ANNEX V: Correlation table

Roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors ***I

P7_TA(2011)0211

European Parliament legislative resolution of 11 May 2011 on the proposal for a directive of the European Parliament and of the Council on roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors (codified text) (COM(2010)0610 – C7-0340/2010 – 2010/0302(COD))

(2012/C 377 E/38)

(Ordinary legislative procedure – codification)

The European Parliament,

— having regard to the Commission proposal to the European Parliament and the Council (COM(2010)0610),

— having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0340/2010),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 19 January 2011 [1],

— having regard to the Interinstitutional Agreement of 20 December 1994 – Accelerated working method for official codification of legislative texts [2],

[1] OJ C 84, 17.3.2011, p. 54.
[2] OJ C 102, 4.4.1996, p. 2.