



Brussels, 21.2.2014
COM(2014) 107 final

2011/0409 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council on the sound level of motor vehicles**

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council on the sound level of motor vehicles**

1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2011)856 final –2011/0409 (COD): 9 December 2011.

Date of the opinion of the European Economic and Social Committee: 25 April 2012.

Date of the opinion of the European Parliament, first reading: 6 February 2013.

Date of adoption of the position of the Council: 20 February 2014.

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The Commission proposal aims at lowering noise limit values in two steps of 2 dB(A) each for passenger cars, vans, buses and coaches. For trucks the reduction would be 1 dB(A) in the first step and 2 dB(A) in the second step. The first step should apply two years after the publication of the text in the Official Journal and the second step is foreseen 5/7 years after publication.

In addition, a new test method is introduced, more representative of urban traffic and internationally recognized in the framework of the United Nations Economic Commission for Europe (UNECE).

Finally, it is proposed that electric and hybrid electric vehicles be fitted optionally with sound generating devices (so called “AVAS”) which would make these vehicles more noticeable by pedestrians and cyclists.

Noise emissions limits have not changed since 1996 despite increasing traffic. The Commission's proposal will significantly reduce the levels of environmental noise and the number of highly annoyed people is expected to decrease by 25 %.

3. COMMENTS ON THE POSITION OF THE COUNCIL

3.1. General comments

The Commission welcomes the political agreement on a compromise text reached on 9 December 2013 by the Council and the ENVI committee of the Parliament. The adoption of the 1st reading Council position should now allow a final adoption of the text during the current legislative term. It is important that the new test method, which is more representative

and internationally recognized be implemented as soon as possible. In addition, with regard to the noise limits, it is important for the industry to have a long term and stable objective in order to adapt their vehicles to the new legislation.

3.2. Comments on the amendments adopted by the European Parliament

3.2.1. European Parliament amendments included in full, in part or in principle in Council's position at first reading

The Council's position in first reading encompasses the vast majority of amendments introduced by the European Parliament, in particular, most of the additional recitals proposed by the European Parliament, the alignment of the test procedure with the test procedure developed under the auspice of the United Nations Economic Commission for Europe (UNECE), the inclusion of a new test track and a new vehicle classification.

On limit values, the Council position is very close to the initial Commission proposal with regard to final limits, but with a delayed application. It can also be seen for most of the vehicle categories as a subsequent step to the final step proposed by the European Parliament in its first reading position. It can be supported by the Commission as a compromise.

The Council has accepted the amendment on the labelling of the sound level of vehicles by the dealership proposed by the Parliament. However, the Council chose not to make this requirement mandatory before the Commission has completed an impact assessment on such a mandatory requirement. This issue was not part of the initial Commission proposal, but can be supported as part of the package.

The Council endorsed the amendment of the European Parliament requiring the mandatory fitting of an acoustic vehicle alarm system (so called "AVAS") on electric and hybrid vehicles. It should be recalled that the initial Commission proposal only included an optional fitting. The Commission can support the amendment of the Council as it also introduces a lead time of 3/5 years which will allow the development of more detailed technical requirements on the approval of such systems and will give time to industry to adapt their products to those new requirements

The amendment from the European Parliament introducing a reference to Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products¹ was taken on board as a recital by the Council position. This can also be supported by the Commission.

The clarifications brought to the drafting of the Commission text by the Council and the Parliament can also be supported.

3.2.2. European Parliament amendments not included in Council position at first reading

The Council felt that the amendment of the European Parliament requiring the Commission to study the possibility to introduce a road classification system with regard to their rolling noise behaviour was not appropriate in an article of a Regulation dealing with motor vehicles. However, the Council recognized that an integrated approach on noise should be followed and that road maps according to Directive 2002/49/EC relating to the assessment and management of environmental noise² could form the basis of future research work on road surface classification. This is supported by the Commission.

¹ OJ L 218, 13.8.2008, p. 30

² OJ L 189, 18.7.2002, p. 12.

On delegated acts, the Council could support neither an unlimited empowerment of the Commission for the update of the non-essential elements of the Annexes (Commission proposal) nor a tacit renewal of the empowerment (Parliament proposal). Compared to the European Parliament proposal, the Council also restricted the number of Annexes which can be amended by the Commission. The Commission regrets this decision from a practical point of view (ordinary legislative procedure needed after five years even for small changes in the Annexes) but can accept it as part of the final compromise between the co-legislators.

3.3. New provisions introduced by the Council and the Commission's position

The Council introduced a number of technical amendments, in particular to clearly make the link between this new Regulation and the framework Directive 2007/46/EC establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles³. This can be supported.

The Council also introduced additional requirements to allow easier road worthiness tests and easier road side checks of hybrid vehicles. This can also be supported.

4. CONCLUSION

Although the Commission regrets for practical reasons the decision of the Council restricting the delegation to the Commission to a limited number of Annexes and a fixed period of five years, the Commission perceives that the only way of allowing the procedure to continue is to refrain from opposing it.

The Council acted by a qualified majority.

In conclusion, the Commission supports, in a spirit of compromise, the position adopted by the Council.

³ OJ L 263, 9.10.2007, p. 1.