



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on the Environment, Public Health and Food Safety*

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**2011/0409(COD)**

4.5.2012

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on the sound level of motor vehicles  
(COM(2011)0856 – C7-0487/2011 – 2011/0409(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Miroslav Ouzký

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the sound level of motor vehicles  
(COM(2011)0856 – C7-0487/2011 – 2011/0409(COD))

(Ordinary legislative procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0856),
  - 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 (C7-0487/2011),
  - 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 25 April 2012,
  - having regard to Rules 55 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Transport and Tourism and the Committee on the Internal Market and Consumer Protection (A7-0000/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### Amendment 1

#### Proposal for a regulation

#### Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1a) EU type approval requirements already apply for the purposes of relevant EU legislation governing CO<sub>2</sub>-emissions including Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to***

*emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information<sup>1</sup>, Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles<sup>2</sup>, Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC<sup>3</sup>, and Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles<sup>4</sup>. The technical requirements which apply to EU legislation governing CO<sub>2</sub> emissions and pollutant emission limit values should be consistent with the requirements which apply to legislation governing the reduction of noise emissions. EU type-approval requirements should therefore be set in a way which ensures that these dual objectives are met.*

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<sup>1</sup> OJ L 171, 29.6.2007, p. 1

<sup>2</sup> OJ L 140, 5.6.2009, p. 1.

<sup>3</sup> OJ L 188, 18.7.2009, p. 1

<sup>4</sup> OJ L 145, 31.5.2011, p. 1

Or. en

### *Justification*

*Technical measures to reduce the CO<sub>2</sub> emissions include measures to decrease the weight of a vehicle whereas technical measures to reduce the noise as sound insulations normally increase the weight of a vehicle and increase CO<sub>2</sub> emissions. Furthermore, sound insulations reduce the noise while they increase the risk of engine fire break-out at the same time.*

## **Amendment 2**

### **Proposal for a regulation Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) The provision of information on sound emissions to consumers, fleet managers and public authorities may influence purchasing decisions and accelerate the transition to a quieter vehicle fleet. In order to provide the necessary information to consumers the manufacturer should provide information on noise levels of vehicles in accordance with harmonised testing methods at the point of sale and in technical promotional material. A label, comparable to the labels used for information on CO<sub>2</sub> emissions, fuel-consumption and tyre-noise, should inform consumers of the sound emissions of a vehicle.***

Or. en

### *Justification*

*Currently, consumers do not know the noise levels of vehicles before purchase. Tyre-labelling legislation requires noise information on tyres to be provided at the point of sale and in promotional material. To promote low-noise vehicles and informed choice for consumers, manufacturers should provide information on the noise level of vehicles. National and local authorities play a central role as major purchasers of vehicle fleets, and have responsibility for Directive 2002/49/EC which aims to reduce environmental noise in urban areas and along major transport infrastructure.*

### Amendment 3

#### Proposal for a regulation Recital 12

##### *Text proposed by the Commission*

(12) In order to enable the Commission to **replace** the technical requirements of this Regulation **with a direct reference to UNECE Regulations No 51 and No 59 once the limit values relating to the new test method are laid down in those Regulations, or to adapt those requirements** to technical and scientific developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission **in respect of the amendment of the provisions in Annexes to this Regulation related to the test methods and sound levels**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

##### *Amendment*

(12) In order to enable the Commission to **adapt** the technical requirements of this Regulation to technical and scientific developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission **to amend** the Annexes to this Regulation related to **EU type-approval procedures in respect of sound level of vehicle types and of exhaust systems, methods and instruments for measuring the noise made by motor vehicles, silencing systems, compressed air noise, checks on conformity of production, specifications for test sites, measuring methods for additional sound emission provisions, and measures ensuring the audibility of hybrid and electric vehicles**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work **including at expert level**. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. en

##### *Justification*

*This amendment is required to align the Commission proposal with the new standard formulation for provisions relating to delegated acts, and to specify in more detail the Annexes which should be capable of amendment by way of delegated acts.*



## Amendment 4

### Proposal for a regulation Article 3 – point 21 a (new)

*Text proposed by the Commission*

*Amendment*

***(21a) "point of sale" means a location where vehicles are stored and offered for sale to consumers.***

Or. en

*Justification*

*In order to ensure that consumers have access to relevant information when considering a vehicle purchase, noise information should be made widely available (the text proposed would be consistent with Article 3 of Regulation 1222/2009 on labelling of tyres, including noise emissions).*

## Amendment 5

### Proposal for a regulation Article 3 – point 21 b (new)

*Text proposed by the Commission*

*Amendment*

***(21b) "technical promotional material" means technical manuals, brochures, leaflets and catalogues (whether these appear in printed, electronic or online form), as well as websites, the purpose of which is to market vehicles to customers.***

Or. en

*Justification*

*In order to ensure that consumers have access to the relevant information when considering a vehicle purchase, noise information should be made widely available. (Proposals aligned with Article 3 of Regulation 1222/2009 on labelling of tyres, including noise emissions).*

## Amendment 6

### Proposal for a regulation Article 6

*Text proposed by the Commission*

The sound level measured in accordance with the provisions of Annex II shall not exceed the limits set out in Annex III.

*Amendment*

The sound level measured in accordance with the provisions of Annex II **and rounded to the nearest integer** shall not exceed the limits set out in Annex III.

Or. en

*Justification*

*In order to align this proposal with other EU noise legislation, the measured sound values should be reported in a systematic way. All regulations report the final result in full integer values. It is proposed that this practice be maintained in this Regulation.*

## Amendment 7

### Proposal for a regulation Article 7

*Text proposed by the Commission*

**Within three years following** the date referred to in Annex III, **third column, phase 1, to this Regulation**, the Commission shall carry out a detailed study to ascertain whether the noise limits prove to be appropriate. On the basis of the conclusions of the study, the Commission **may**, where appropriate, present proposals for amendment to this Regulation.

*Amendment*

The Commission shall carry out **and publish a detailed study as soon as possible after** the date referred to in Annex III, **fourth column, phase 2**, to ascertain whether the noise limits **for phase 3** prove to be appropriate. On the basis of the conclusions of the study, the Commission **shall**, where appropriate, present proposals for amendment to this Regulation. **In the event of such amendment to this Regulation, phase 3 shall apply as from four years after publication of the detailed study referred to in this subparagraph.**

**The Commission shall carry out and publish a detailed study as soon as possible after the date referred to in Annex III, fourth column, phase 3, to ascertain whether the noise limits for phase 4 prove to be appropriate. On the basis of the conclusions of that study, the**

*Commission shall, where appropriate, present proposals for amendment to this Regulation. In the event of such amendment to this Regulation, phase 4 shall apply as from four years after publication of the detailed study referred to in this subparagraph.*

Or. en

*Justification*

*Provision should be made in relation to the procedure applicable to the introduction of any further phases so as to ensure that manufacturers have sufficient lead time to adapt to any new requirements.*

**Amendment 8**

**Proposal for a regulation  
Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 8a**

**Consumer information**

*Vehicle manufacturers and distributors shall ensure that the sound level in decibels (dB(A)) determined in accordance with the type-approval testing methods laid down in this Regulation for each vehicle is displayed in a prominent position at the point of sale and in technical promotional material.*

*The Commission shall, at the latest one year after the entry into force of this Regulation, assess the possibility of introducing requirements as regards consumer information on the sound level of vehicles and if appropriate submit to the European Parliament and the Council a proposal in accordance with the ordinary legislative procedure.*

*The Commission may propose to incorporate such requirements into the existing Directive 1999/94/EC of the*

*European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO<sub>2</sub> emissions in respect of the marketing of new passenger cars<sup>1</sup>. The display methods in place for CO<sub>2</sub> emissions shall also be required for sound levels.*

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<sup>1</sup> OJ L 12, 18.1.2000

Or. en

#### *Justification*

*It is not possible currently for a consumer to know the noise level of a vehicle prior to purchase. To promote low-noise vehicles and to give the customer the possibility of making an informed choice about the purchase the manufacturer and distributor shall be obliged to display the noise level of a vehicle.*

#### **Amendment 9**

##### **Proposal for a regulation Article 8 b (new)**

*Text proposed by the Commission*

*Amendment*

##### **Article 8b**

##### ***Road surface classification and quality***

***The Commission shall in line with the timescales for review laid down in Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise<sup>1</sup>, assess the possibility of introducing a road classification system which characterises the typical rolling sound on every road in the European Union, and if appropriate submit to the European Parliament and the Council a proposal in accordance with the ordinary legislative procedure.***

***The Commission shall consider incorporating a requirement on Member States to provide information about road***

*surface qualities in the strategic noise maps provided for in Directive 2002/49/EC.*

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<sup>1</sup> *OJ L 189, 18.7.2002*

Or. en

*Justification*

*The quality of road surfaces strongly influences the rolling sound emissions of vehicles. Up to now there is no strategic approach enabling an overview of road surface quality in the EU. The above proposal would enable Member States and communities to identify areas where an improvement in the road surface makes sense and would result in a reduction in environmental noise.*

**Amendment 10**

**Proposal for a regulation**  
**Article 9**

*Text proposed by the Commission*

Where manufacturers choose to install an AVAS in vehicles, the requirements of Annex *X* shall be fulfilled.

*Amendment*

Where manufacturers choose to install an AVAS in vehicles, the requirements of Annex *IX* shall be fulfilled.

Or. en

*Justification*

*Technical correction to the Commission proposal.*

**Amendment 11**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall be empowered to adopt delegated acts to amend Annexes *I to XI*.

*Amendment*

1. The Commission shall, *in order to adapt the technical requirements of this Regulation to technical and scientific developments*, be empowered to adopt delegated acts *in accordance with Article 11* to amend Annexes *I to II and IV to XII*.

*Justification*

*According to Article 290 of the TFEU, only non-essential elements of the legislative act may be delegated to the Commission whereas essential elements shall be reserved for the legislative act itself. The provisions in Annex III, i.e. the noise limit values and the lead time (stages), are essential elements of the proposal and shall therefore be reserved for the co-legislators. This amendment is also required to align the Commission proposal with the new standard formulation for provisions relating to delegated acts.*

**Amendment 12****Proposal for a regulation  
Article 10 – paragraph 2***Text proposed by the Commission*

2. When the limit values relating to the test method are laid down in UNECE Regulation No 51, the Commission shall **consider** replacing the technical requirements laid down in Annex III with a direct reference to the corresponding requirements of UNECE Regulations No 51 and No 59.

*Amendment*

2. When the limit values relating to the test method are laid down in UNECE Regulation No 51, the Commission shall **assess the possibility of** replacing the technical requirements laid down in Annex III with a direct reference to the corresponding requirements of UNECE Regulations No 51 and No 59 **and, if appropriate, submit a proposal to the European Parliament and to the Council to amend Annex III in accordance with the ordinary legislative procedure.**

*Justification*

*According to Article 290 of the TFEU, only non-essential elements of the legislative act may be delegated to the Commission whereas essential elements shall be reserved for the legislative act itself. The provisions in Annex III, i.e. the noise limit values and the lead time (stages), are essential elements of the proposal and shall therefore be reserved for the co-legislators.*

## Amendment 13

### Proposal for a regulation Article 11 – paragraph 1

*Text proposed by the Commission*

1. The **powers** to adopt delegated acts **are** conferred on the Commission subject to the conditions laid down in this Article.

*Amendment*

1. The **power** to adopt delegated acts **is** conferred on the Commission subject to the conditions laid down in this Article.

Or. en

*Justification*

*This amendment is required to align the Commission proposal with the new standard formulation for provisions relating to delegated acts*

## Amendment 14

### Proposal for a regulation Article 11 – paragraph 2

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 10(1) shall be conferred on the Commission for an indeterminate period of time from the date of **adoption** of this Regulation.

*Amendment*

2. The power to adopt delegated acts referred to in Article 10(1) shall be conferred on the Commission for an indeterminate period of time from the date of **entry into force** of this Regulation.

Or. en

*Justification*

*This amendment is required to align the Commission proposal with the new standard formulation for provisions relating to delegated acts.*

## Amendment 15

### Proposal for a regulation Article 11 – paragraph 3

*Text proposed by the Commission*

3. The delegation of power referred to in Article 10(1) may be revoked at any time

*Amendment*

3. The delegation of power referred to in Article 10(1) may be revoked at any time

by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal or at a later date specified therein. It shall not effect the validity of any delegated acts already in force.

by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal *of the European Union* or at a later date specified therein. It shall not effect the validity of any delegated acts already in force.

Or. en

#### *Justification*

*This amendment is required to align the Commission proposal with the new standard formulation for provisions relating to delegated acts.*

### **Amendment 16**

#### **Proposal for a regulation Article 11 – paragraph 5**

##### *Text proposed by the Commission*

5. A delegated act adopted pursuant to Article 10(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **one month** at the initiative of the European Parliament or of the Council.

##### *Amendment*

5. A delegated act adopted pursuant to Article 10(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **two months** at the initiative of the European Parliament or of the Council.

Or. en

#### *Justification*

*This amendment is required to align the Commission proposal with the new standard formulation for provisions relating to delegated acts.*



## Amendment 17

### Proposal for a regulation Article 12

*Text proposed by the Commission*

*Amendment*

#### *Article 12*

*deleted*

#### *Objections to delegated acts*

***1. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month.***

***2. If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, or if, before that date, the European Parliament and the Council have both informed the European Commission that they have decided not to raise objections, the delegated act shall enter into force at the date stated in its provisions.***

***3. If the European Parliament or the Council objects to the adopted delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.***

Or. en

#### *Justification*

*Article 12 is superfluous given the provisions of Article 11(5). This amendment would therefore align the Commission proposal with the new standard formulation for provisions relating to delegated acts.*

## Amendment 18

### Proposal for a regulation Article 13

*Text proposed by the Commission*

*Amendment*

#### *Urgency procedure*

*deleted*

- 1. Delegated acts adopted under Article 10(1) shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2.*
- 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.*
- 2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 11(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.*

Or. en

#### *Justification*

*The use of the urgency procedure has not been duly justified, either in Article 10 or the recitals, and therefore Article 13 should be deleted.*

## Amendment 19

### Proposal for a regulation Annex II – point 3.2.2

*Text proposed by the Commission*

*Amendment*

3.2.2. Tyre rolling sound emissions are laid down in Regulation (EC) No 661/2009 on the general safety of motor vehicles. The tyres to be used for the test shall be representative for the vehicle and shall be selected by the vehicle manufacturer and recorded in Appendix 3 to Annex I of this

3.2.2. Tyre rolling sound emissions are laid down in Regulation (EC) No 661/2009 on the general safety of motor vehicles. The tyres to be used for the test shall be representative for the vehicle and shall be selected by the vehicle manufacturer and recorded in Appendix 3 to Annex I of this

Regulation. They shall correspond to one of the tyre sizes designated for the vehicle as original equipment. The tyre is or will be commercially available on the market at the same time as the vehicle.<sup>2/</sup> The tyres shall be inflated to the pressure recommended by the vehicle manufacturer for the test mass of the vehicle. ***The tyres shall have at least legal tread depth.***

Regulation. They shall correspond to one of the tyre sizes designated for the vehicle as original equipment. The tyre is or will be commercially available on the market at the same time as the vehicle.<sup>2/</sup> The tyres shall be inflated to the pressure recommended by the vehicle manufacturer for the test mass of the vehicle. ***The tyres shall have a tread depth of at least 80 per cent of the full tread depth.***

Or. en

#### *Justification*

*The aim of the new test method is to simulate real urban traffic. The tread depth of the tyres should be that typically used in traffic. The UNECE Recommendation is for a minimum tread depth of 80% of the full tread depth.*

### **Amendment 20**

#### **Proposal for a regulation Annex II – point 4.1.2.1.4.1**

##### *Text proposed by the Commission*

4.1.2.1.4.1. Vehicles with manual transmissions, automatic transmissions, adaptive transmissions or CVTs tested with locked gear ratios

The following conditions for selection of gear ratios are possible:

(a) If one specific gear ratio gives an acceleration in a tolerance band of  $\pm 5\%$  of the reference acceleration  $a_{wot\ ref}$ , not exceeding  $3,0\ m/s^2$ , test with that gear ratio.

(b) If none of the gear ratios give the required acceleration, then choose a gear ratio  $i$ , with an acceleration higher and a gear ratio  $i + 1$ , with an acceleration lower than the reference acceleration. If the acceleration value in gear ratio  $i$  does not exceed  $3,0\ m/s^2$ , use both gear ratios for the test. The weighting ratio in relation to the reference acceleration  $a_{wot\ ref}$  is

##### *Amendment*

4.1.2.1.4.1. Vehicles with manual transmissions, automatic transmissions, adaptive transmissions or CVTs tested with locked gear ratios

The following conditions for selection of gear ratios are possible:

(a) If one specific gear ratio gives an acceleration in a tolerance band of  $\pm 5\%$  of the reference acceleration  $a_{wot\ ref}$ , not exceeding  $2,0\ m/s^2$ , test with that gear ratio.

(b) If none of the gear ratios give the required acceleration, then choose a gear ratio  $i$ , with an acceleration higher and a gear ratio  $i + 1$ , with an acceleration lower than the reference acceleration. If the acceleration value in gear ratio  $i$  does not exceed  $2,0\ m/s^2$ , use both gear ratios for the test. The weighting ratio in relation to the reference acceleration  $a_{wot\ ref}$  is

calculated by:

$$k = (a_{\text{wot ref}} - a_{\text{wot (i+1)}}) / (a_{\text{wot (i)}} - a_{\text{wot (i+1)}})$$

(c) if the acceleration value of gear ratio *i* exceeds **3.0 m/s<sup>2</sup>**, the first gear ratio shall be used that gives an acceleration below **3.0 m/s<sup>2</sup>** unless gear ratio *i* + 1 provides acceleration less than *a<sub>urban</sub>*. In this case, two gears, *i* and *i* + 1 shall be used, including the gear *i* with acceleration exceeding **3.0 m/s<sup>2</sup>**. In other cases, no other gear shall be used. The achieved acceleration *a<sub>wot test</sub>* during the test shall be used for the calculation of the part power factor *k<sub>p</sub>* instead of *a<sub>wot ref</sub>*.

calculated by:

$$k = (a_{\text{wot ref}} - a_{\text{wot (i+1)}}) / (a_{\text{wot (i)}} - a_{\text{wot (i+1)}})$$

(c) if the acceleration value of gear ratio *i* exceeds **2.0 m/s<sup>2</sup>**, the first gear ratio shall be used that gives an acceleration below **2.0 m/s<sup>2</sup>** unless gear ratio *i* + 1 provides **an** acceleration less than *a<sub>urban</sub>*. In this case, two gears, *i* and *i* + 1 shall be used, including the gear *i* with **the** acceleration exceeding **2.0 m/s<sup>2</sup>**. In other cases, no other gear shall be used. The achieved acceleration *a<sub>wot test</sub>* during the test shall be used for the calculation of the part power factor *k<sub>p</sub>* instead of *a<sub>wot ref</sub>*.

Or. en

### Justification

*Available in-use driving statistics for the development of the new Worldwide Light Duty Test Procedure (WLTP) show that an acceleration rate above 2 m/s<sup>2</sup> is not justified. Furthermore the mandatory monitoring procedure for this new Regulation between 2007 and 2010 was based on a test definition of 2 m/s<sup>2</sup>.*

## Amendment 21

### Proposal for a regulation Annex III

*Text proposed by the Commission*

### Annex III Limit values

The sound level measured in accordance with the provisions of Annex II shall not exceed the following limits:

Vehicle category	Description of vehicle category	Limit values expressed in dB(A) [decibels(A)]					
		Limit values for Type-approval of new vehicle types		Limit values for registration, sale and entry into service of new vehicles			
		Phase 1 valid from [2 years after publication]		Phase 2 valid from [5 years after publication]		Phase 3 valid from [7 years after publication]	
		General	Off-road *	General	Off-road *	General	Off-road *
<i>M</i>	<i>Vehicles used</i>						

	<i>for the carriage of passengers</i>						
<i>M<sub>1</sub></i>	<i>no of seats ≤ 9</i>	<i>70</i>	<i>71**</i>	<i>68</i>	<i>69**</i>	<i>68</i>	<i>69**</i>
<i>M<sub>1</sub></i>	<i>no of seats ≤ 9; power to mass ratio &gt; 150 kW/ton</i>	<i>71</i>	<i>71</i>	<i>69</i>	<i>69</i>	<i>69</i>	<i>69</i>
<i>M<sub>2</sub></i>	<i>no of seats &gt; 9; mass ≤ 2 tons</i>	<i>72</i>	<i>72</i>	<i>70</i>	<i>70</i>	<i>70</i>	<i>70</i>
<i>M<sub>2</sub></i>	<i>no of seats &gt; 9; 2 tons &lt; mass ≤ 3.5 tons</i>	<i>73</i>	<i>74</i>	<i>71</i>	<i>72</i>	<i>71</i>	<i>72</i>
<i>M<sub>2</sub></i>	<i>no of seats &gt; 9; 3.5 tons &lt; mass ≤ 5 tons; rated engine power &lt; 150 kW</i>	<i>74</i>	<i>75</i>	<i>72</i>	<i>73</i>	<i>72</i>	<i>73</i>
<i>M<sub>2</sub></i>	<i>no of seats &gt; 9; 3.5 tons &lt; mass ≤ 5 tons; rated engine power ≥ 150 kW</i>	<i>76</i>	<i>78</i>	<i>74</i>	<i>76</i>	<i>74</i>	<i>76</i>
<i>M<sub>3</sub></i>	<i>no of seats &gt; 9; mass &gt; 5 tons; rated engine power &lt; 150 kW</i>	<i>75</i>	<i>76</i>	<i>73</i>	<i>74</i>	<i>73</i>	<i>74</i>
<i>M<sub>3</sub></i>	<i>no of seats &gt; 9; mass &gt; 5 tons; rated engine power ≥ 150 kW</i>	<i>77</i>	<i>79</i>	<i>75</i>	<i>77</i>	<i>75</i>	<i>77</i>
<i>N</i>	<i>Vehicles used for the carriage of goods</i>						
<i>N<sub>1</sub></i>	<i>mass ≤ 2 tons</i>	<i>71</i>	<i>71</i>	<i>69</i>	<i>69</i>	<i>69</i>	<i>69</i>
<i>N<sub>1</sub></i>	<i>2 tons &lt; mass ≤ 3.5 tons</i>	<i>72</i>	<i>73</i>	<i>70</i>	<i>71</i>	<i>70</i>	<i>71</i>
<i>N<sub>2</sub></i>	<i>3.5 tons &lt; mass ≤ 12 tons; rated engine power &lt; 75 kW</i>	<i>74</i>	<i>75</i>	<i>72</i>	<i>73</i>	<i>72</i>	<i>73</i>
<i>N<sub>2</sub></i>	<i>3.5 tons &lt; mass ≤ 12 tons; 75 ≤ rated engine power &lt; 150 kW</i>	<i>75</i>	<i>76</i>	<i>73</i>	<i>74</i>	<i>73</i>	<i>74</i>
<i>N<sub>2</sub></i>	<i>3.5 tons &lt; mass ≤ 12 tons; rated engine power ≥ 150 kW</i>	<i>77</i>	<i>79</i>	<i>75</i>	<i>77</i>	<i>75</i>	<i>77</i>
<i>N<sub>3</sub></i>	<i>mass &gt; 12 tons; 75 ≤ rated engine power &lt; 150 kW</i>	<i>77</i>	<i>78</i>	<i>75</i>	<i>76</i>	<i>75</i>	<i>76</i>
<i>N<sub>3</sub></i>	<i>mass &gt; 12 tons; rated engine power ≥ 150 kW</i>	<i>80</i>	<i>82</i>	<i>78</i>	<i>80</i>	<i>78</i>	<i>80</i>
<i>*</i>	<i>Increased limit values shall only be valid if the vehicle complies with the relevant definition for off-road vehicles set out in point 4 of Section A of Annex II to EU Directive 2007/46/EC.</i>						
<i>**</i>	<i>For M<sub>1</sub> vehicles the increased limit values for off-road vehicles are only valid if the maximum authorised mass &gt; 2 tonnes.</i>						

Amendment by Parliament

**Annex III**  
**Limit values**

The sound level measured in accordance with the provisions of Annex II *and rounded to the nearest integer* shall not exceed the following limits:

Vehicle Category	Description of vehicle category	General limit values 1) for new vehicle types expressed in decibel (A)			
		Phase 1 valid from 2 years after entry into force	Phase 2 valid from 6 years after entry into force*	Phase 3**** valid from 10 years after entry into force**	Phase 4**** valid from 14 years after entry into force***
M <sub>1 2)</sub>	Power-Mass-Ratio ≤ 120 kW/t	71	70	69	67
	120 < Power-Mass-Ratio ≤ 150 kW/t	72	71	70	68
	Power-Mass-Ratio > 150 kW/t	74	73	72	70
M <sub>2</sub>	Gross Vehicle Weight ≤ 2.5 to; Rated Powers ≤ 75 kW/t	71	70	69	68
	Gross Vehicle Weight ≤ 2.5 to; Rated Powers > 75 kW/t	72	71	70	68
	2.5 to < Gross Vehicle Weight ≤ 3.5 to	74	73	71	69
N <sub>1</sub>	Gross Vehicle Weight ≤ 2.5 to	72	71	70	68
	2.5 to < Gross Vehicle Weight ≤ 3.5 to	74	73	71	69

Vehicle Category	Description of vehicle category	General limit values 1) for new vehicle types expressed in decibel (A)			
		Phase 1 valid from 3 years after entry into force	Phase 2 valid from 8 years after entry into force	Phase 3*** valid from 12 years after entry into force**	Phase 4**** valid from 16 years after entry into force***
M <sub>2</sub>	Gross Vehicle Weight > 3.5 to; Rated Power ≤ 150 kW	76	74	72	70
	Gross Vehicle Weight > 3.5 to; Rated Power > 150 kW	77	75	73	72
M <sub>3</sub>	Rated Power ≤ 100 kW	74	73	72	70
	100 < Rated Power ≤ 150 kW	76	75	73	71
	150 < Rated Power ≤ 250 kW	79	78	76	74
	Rated Power > 250 kW	80	79	78	77
N <sub>2</sub>	Rated Power ≤ 75 kW	76	75	73	71
	75 < Rated Power ≤ 150 kW	77	76	74	72
	Rated Power > 150 kW	78	77	76	74
N <sub>3</sub>	Rated Power ≤ 100 kW	76	75	73	72
	100 < Rated Power ≤ 150 kW	79	78	76	74
	150 < Rated Power ≤ 250 kW	81	80	78	77
	Rated Power > 250 kW	82	81	80	79

*	For vehicles of category M1/N1 and M2 < 3.5 t, the transitional period for sale and entry into service of new vehicles is 2 years.
**	For all vehicle categories the transitional period for sale and entry into service of new vehicles is 3 years.
***	For all vehicle categories the transitional period for sale and entry into service of new vehicles is 4 years.
****	Immediately after application of the previous phase, the Commission shall carry out a study

	<i>to validate the feasibility of that phase. In the case of a positive evaluation, this phase is applicable 4 years after the publication of the correlated study.</i>
1)	<i>The limit values shall be increased by +2dB for a vehicle of class M3 and N3 and +1 dB for any other vehicle, if the vehicle complies with the relevant definitions for off-road vehicles set out in point 4 of Section A of Annex II to EU Directive 2007/46/EC.</i>
2)	<i>The limit values shall be increased by +1dB for a vehicle of class M1, if the vehicle is equipped with tyres of class C1D or C1E according to the definition set out in Part C of Annex II in Regulation (EC) No 661/2009.</i>

Or. en

### *Justification*

*In order to ensure the appropriate balance between the need to maintain industrial development cycles and legal certainty and to achieve the necessary public health benefits, four phases have been established. Phases 3 and 4 in particular set ambitious targets. The vehicle categories have also been updated to the latest technical standards. The further differentiation of these vehicle categories enables more realistic noise limit values. The time periods are compatible to typical production cycles and are different for light duty and heavy duty vehicles.*

## **Amendment 22**

### **Proposal for a regulation**

#### **Annex VI – point 3 – paragraph 1**

#### *Text proposed by the Commission*

#### 3. Sampling and evaluation of the results

One vehicle has to be chosen and subjected to the tests set out in point 2. If the test results fulfil the COP requirements of Annex X of Directive 2007/46/EC, the vehicle shall be considered to be in compliance with the COP provisions.

#### *Amendment*

#### 3. Sampling and evaluation of the results

One vehicle has to be chosen and subjected to the tests set out in point 2. If the test results fulfil the COP requirements of Annex X of Directive 2007/46/EC, the vehicle shall be considered to be in compliance with the COP provisions. ***The applicable COP requirements are the limit values laid down in Annex III with an additional margin of 1 dB(A).***

Or. en

### *Justification*

*Consistent with other regulations such as Regulation 661/2009, and in line with specifications in the current legislation, an additional margin of +1 dB is foreseen for checks in the conformity of production.*





## EXPLANATORY STATEMENT

The Commission proposal for a Regulation on the sound level of motor vehicles has as its principal objective the protection of public health and the environment through measures to reduce the sound level of motor vehicles.

The proposal would introduce a new testing method for measuring the sound level of motor vehicles and new noise limit values for different categories of light, medium-sized and heavy vehicles.

Your rapporteur supports the overall direction of the Commission proposal as an important step forward in countering the public health and environmental effects of noise emissions from motor vehicles. Your rapporteur nonetheless considers that the Commission proposal would benefit from a number of additions and technical adjustments, particularly to provide incentives for the manufacture and purchase of vehicles with lower sound levels. Your rapporteur also recognises that noise from motor vehicles derives from multiple sources including the engine, tyres, road surface and aerodynamic noise.

The Commission proposal currently places insufficient emphasis on the provision of information to consumers on the sound level of motor vehicles. Your rapporteur would support the introduction of a labelling scheme on the noise emissions of vehicles as so to promote low-noise vehicles and to enable consumers to make an informed choice prior to the purchase of a vehicle.

The quality of road surfaces is also crucial in influencing the rolling sound emissions of vehicles. Your rapporteur believes that the Commission proposal could be improved through the introduction of a road classification system which would enable Member States and their national and local authorities to monitor and assess more effectively the quality of their road surfaces with a view to reducing the impact on overall noise levels.

Your rapporteur would also propose a number of amendments to the technical requirements governing the methods for the measurement of the noise levels of motor vehicles and to the provisions governing the limit values, in order to bring the proposal up-to-date with the technical developments in testing procedures and to improve the overall feasibility of the requirements. These would include changes to the provisions governing the tread-depth of tyres and to the acceleration rate as regards the conditions for selection of gear ratios. Your rapporteur also proposes certain changes to the vehicle categorisations as regards the applicability of the noise limit values, together with the introduction of a new phase 4 which would apply if demonstrated as appropriate following a review by the Commission after the introduction of phase 3.

Finally, your rapporteur considers that the setting of limit values (and the dates on which those values are applicable) for the categories of vehicles as laid down in Annex III to the Commission proposal, constitutes an essential element of the Regulation, which should be determined by the co-legislators. Your rapporteur therefore cannot support the proposal to delegate to the Commission the power to amend those aspects of the Regulation by way of delegated acts, and therefore proposes that any future amendments be given effect to by co-

decision under the ordinary legislative procedure.