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Committee on the Internal Market and Consumer Protection

2011/0409(COD)

25.6.2012

OPINION

of the Committee on the Internal Market and Consumer Protection

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

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))

Rapporteur: Anja Weisgerber

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SHORT JUSTIFICATION

Motorised transport is one of the main sources of noise pollution. Persistent exposure to high levels of noise is believed to increase cardiovascular disease, cognitive impairment, sleep disturbance and tinnitus. The Rapporteur strongly supports the aim of the proposed Regulation of reducing environmental noise by lowering the noise limit values and by introducing a new and refined test method for measuring noise emissions. However, the noise limit values have to be both ambitious and technically feasible. In doing so, one has to bear in mind that noise is measured on a logarithmic scale and that a reduction of 3 decibel (dB) results in a noise reduction of 50 %.

Requirements for type approval of vehicles exist inter alia also for CO₂-emissions and pollutants (Euro 5/6 and Euro VI-standards). The measures taken to comply with these emission requirements partly contradict the measures taken to reduce the noise of a vehicle. For example, measures to reduce the noise emissions might increase the weight of a vehicle which leads to higher CO₂-emission. The different EU type approval requirements should carefully establish a balance between the different aims and follow a general approach in continue to make vehicles quieter, safer and more environmentally friendly. Furthermore, measures taken to reduce the noise level of a vehicle should not lead to a decrease of road safety, e.g. special low noise road surfaces can reduce the tire rolling sound significantly and cause longer braking distances. In addition to the noise limit values for vehicles, your Rapporteur underlines that it is important to take into consideration other sources of environmental noise such as the road surface, traffic management or driver behaviour.

While the Rapporteur strongly supports the aim of the proposed Regulation, she proposes some amendments in order to achieve the aims better. In order to increase the health benefits and to enhance legal certainty, long-term noise limit values should be established. Necessary adjustments have also to be made regarding the vehicle categories. The current legislation on noise emissions of vehicles gives different limit values for different vehicle categories and sub-categories. These subclasses have been established in 1970 and have not been amended since 1985. Hence, your Rapporteur proposes to update the sub-categories and to adapt the vehicle classification system to the latest technical standards. These adaptations should make it possible to define ambitious noise limit values and to optimize the overall noise reduction. Further differentiating the vehicle categories enables us to establish more ambitious noise limit values for vehicles with lower engine power and more realistic noise limit values for vehicles with higher engine power. The new long-term noise limit values require an entirely new design for each vehicle.

Your Rapporteur is also of the opinion that the Regulation should reflect the differences in development and production of passenger cars and heavy duty vehicles. These differences are to be reflected in a different timing of the respective phases to which the noise limit values apply. Accordingly, your Rapporteur proposes different phases for passenger cars and commercial vehicles.

Transparency is a key element of responsible consumer policy and has been supported by the IMCO committee since a long time. Ensuring the availability of clear and transparent information on noise emissions of each vehicle to consumers will enable them to base their purchase decision on the noise emission level. The same information to public authorities will

empower them to set appropriate incentives to encourage the uptake of quieter vehicles, e.g. by setting procurements standards for bus fleets and allowing only the quietest delivery vehicles preferential access to certain sensitive residential areas or times of day. Labels already exist for CO₂-emissions, fuel consumption and tyre-noise, a similar label should be introduced for the noise levels of vehicles.

With regard to electric and hybrid vehicles, the Directive should establish technical standards by introducing requirements regarding the minimum noise for electric vehicles. A working group on minimum sound levels for silent vehicles has been set up by the UNECE and discusses the possibility of harmonising the requirements for 'Approaching Vehicle Audible Systems' (AVAS).

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) EU type approval requirements exist inter alia on CO₂-emissions (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 CO₂-emissions from light-duty vehicles¹ 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 CO₂-emissions from light-duty vehicles²) and on pollutant emissions (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 information³ and 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 information⁴). The technical requirements with regard to CO₂ and pollutants emission limit values may not be in contradiction with the requirements on the reduction of noise emissions. Therefore, EU type-approval requirements should find a balance between the different objectives.

¹ OJ L 140, 5.6.2009, p. 1.

² OJ L 145, 31.5.2011, p. 1.

³ OJ L 171, 29.6.2007, p. 1.

⁴ OJ L 188, 18.7.2009, p. 1.

Justification

Technical measures to reduce the CO₂-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 CO₂-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 1 a (new)

Text proposed by the Commission

Amendment

(1a) Of the roughly 500 million EU citizens, some 300 million have a driving licence. The European Union accounts for 22 % of all vehicle registrations and 25 % of vehicle production worldwide. Every year, the European automobile industry manufactures up to 17 million new vehicles, and that figure is currently on the increase.

Amendment 3

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Technical measures to reduce the sound level of motor vehicles have to meet a set of competing requirements, such as those of reducing noise and pollutant emissions and improving safety whilst keeping the vehicle in question as cheap and effective as possible. In attempting to meet all these requirements equally and strike a balance between them, the automobile industry all too often runs up against the limits of what is currently physically feasible. Automobile designers have repeatedly managed to push those limits back by using new, innovative materials and methods. Legislation must set a clear framework for innovation in a realistic time frame. This Regulation establishes just such a framework and thus provides an immediate incentive for innovation in keeping with the needs of society, whilst in no way restricting the economic freedom so vital to the industry.

Amendment 4

Proposal for a regulation Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) Noise pollution is primarily a local problem, but one which calls for a Union-wide solution. After all, the first step in any sustainable noise emissions policy must be to devise measures to reduce sound levels at source. The noise source motor vehicle, which is the target of this Regulation, is by definition a mobile one,

so that purely national measures would not be sufficient.

Amendment 5

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The provision of information on noise 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 the customer, 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 CO₂-emissions, fuel-consumption and tyre-noise, should inform the consumers of the noise emission of a vehicle.

Justification

Until now, it is not possible to know the noise level of a vehicle. Noise information is required for tyres at points of sale and in promotional material by Regulation 1222/2009 on the labelling of tyres. To promote low-noise vehicles and to give the customer the possibility to make an informed choice about the purchase, the manufacturer shall be obliged to display the noise level of a vehicle. National and municipal public authorities have a central role as major purchasers of vehicle fleets, particularly public transport vehicles and municipal vehicles, as well as responsibility for implementation of Directive 2002/49/EC which aims to reduce environmental noise in urban areas and along major transport infrastructures.

Amendment 6

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) When cars are driven at average speeds below 45 km/h the loudest noises are those generated by the engine and exhaust, and when they are driven at higher speeds tyre and wind noise are the loudest. These noises are generated regardless of engine type and power. Developments in vehicle design since the 1970s have made engines much quieter, but on average more powerful and heavier. Heavier engines and more elaborate safety features have served to increase the overall weight of vehicles, creating a need to increase the area of tyre which comes into contact with the road surface, in order to improve vehicle stability. Every increase in the width of that contact area leads to an increase in tyre noise.

Amendment 7

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Addressing the problem of noise at source, the aim of this Regulation, offers less potential for noise reduction than measures to change the composition of road surfaces, which is what vehicle tyres come into contact with. The latter form of noise reduction would be technically much more straightforward. Existing types of asphalt, such as whisper asphalt, asphalts with noise-reducing properties or noise-optimised asphalt, employed as part of a holistic approach combining a series of simple construction measures, can already be used to reduce noise levels by 10db on a local basis. The Regulation does not employ this effective approach to the problem of local sources of noise,

since it would impose a severe burden on public budgets, in particular those of local authorities. This would be difficult to justify at a time of fiscal crisis and would also encroach on regional and structural policy.

Amendment 8

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 offered for sale to consumers.

Justification

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

Amendment 9

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

Text proposed by the Commission

Amendment

(21b) ‘technical promotional material’ means technical manuals, brochures 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.

Justification

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

Amendment 10

Proposal for a regulation
Article 6 – paragraph 1

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 testing conditions laid down in Annex II shall take into account typical on-road driving conditions and the testing requirements of other essential components of the vehicle, which have been already covered by Regulation (EC) No 661/2009. The sound level measured in accordance with the provisions of Annex II shall not exceed the limits set out in Annex III.

Justification

In accordance with better regulation principles, it is important to ensure that the testing conditions of this Regulation do not unduly impact on part manufacturers which have already made significant steps towards reducing noise emissions, in particular the tyre industry. In this context the accuracy of testing conditions needs to be underlined and “typical on-road driving conditions” should be stated as the condition for validating the limits set down in Annex III.

Amendment 11

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 1 a and 1 b (new)

Text proposed by the Commission

Amendment

Vehicles shall automatically meet the requirements of Annex X if the vehicle manufacturer provides technical documents to the type-approval authority showing that the difference between maximum and minimum engine speed of the vehicles at $BB'17 \leq 0,15 \times S$, for any test condition inside the ASEP control range defined in point 3.3. of Annex VIII with respect to the conditions set out in Annex II.

Vehicles of category N_1 are exempted from ASEP if one of the following conditions is met:

(a) Engine capacity ≤ 660 ccm and power-to-mass ratio PMR calculated by using the maximum authorised vehicle mass ≤ 35 ;

(b) Payload ≥ 850 kg and power-to-mass ratio PMR calculated by using the maximum authorised vehicle mass ≤ 40 .

Justification

This AM introduces proportionate requirements for SMEs performing build-ups. Furthermore UNICE's ASEP standard is tailored to the behavior of typical M1 vehicles, and the expert group responsible recommended exclusion for other categories. ASEP (Additional Sound Emission Provisions) are to avoid unexpected sound emissions which do not correlate with type approval test results. Since this has never been observed for N1 delivery vans this AM ensures they are excluded from ASEP special testing.

Amendment 12

Proposal for a regulation Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a (new)

Information

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

The Commission shall provide a proposal for consumer information to Parliament and Council at the latest one year after entry into force of this regulation.

The consumer information can be integrated in the 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 CO₂ emissions in respect of the marketing of new passenger cars¹. For noise emissions the same display method shall be used as for CO₂

emissions.

¹ OJ L 12, 18.1.2000, p. 16.

Justification

Until now, it is not possible for a consumer to know the noise level of a vehicle. To promote low-noise vehicles and to give the customer the possibility to make an informed choice about the purchase the manufacturer and distributor shall be obliged to display the noise level of a vehicle.

Amendment 13

Proposal for a regulation
Article 9 – paragraph 1

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, ***manufacturers shall ensure that the sound to be generated by the AVAS should be a continuous sound that provides information to the pedestrians and vulnerable road users of a vehicle in operation. The sound should be easily indicative of vehicle behaviour and should not exceed the approximate sound level of a similar vehicle of the same category equipped with an internal combustion engine and operating under the same conditions*** and the requirements of Annex X shall be fulfilled.

Justification

The main requirements for AVAS should appear in the relevant article rather than just in the annex. In case the UNECE working group adopts a regulation with worldwide harmonized standards for AVAS, the EU requirements should be amended accordingly.

Amendment 14

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In case the UNECE working group on minimum sound levels for silent vehicles adopts a UNECE Regulation, the Commission shall evaluate the possibility of replacing the technical requirements laid down in Annex X with a direct reference to the corresponding requirements of the UNECE Regulation and, if appropriate, submit a proposal to the European Parliament and to the Council to amend Annex X.

Justification

The main requirements for AVAS should appear in the relevant article rather than just in the annex. In case the UNECE working group adopts a regulation with worldwide harmonized standards for AVAS, the EU requirements should be amended accordingly.

Amendment 15

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

Amendment

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

1. The Commission shall be empowered to adopt delegated acts to amend Annexes **I to II and IV to X**.

Justification

According to Article 290 of the TFE, only non-essential elements of the legislative act may be delegated to the Commission whereas the essential elements of an area shall be reserved for the legislative act. The provisions in Annexes 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 16

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 **evaluate 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.**

Justification

According to Article 290 of the TFE, only non-essential elements of the legislative act may be delegated to the Commission whereas the essential elements of an area shall be reserved for the legislative act. The provisions in Annexes 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 17

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

Text proposed by the Commission

(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/s²**, test with that gear ratio.

Amendment

(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/s²**, test with that gear ratio.

Justification

In order to simulate the situation in real urban traffic the maximum acceleration should be at a level of 2.0 m/s².

Amendment 18

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

Text proposed by the Commission

(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/s²**, use both gear ratios for the test. The weighting ratio in relation to the reference acceleration $a_{wot\ ref}$ is calculated by: $k = (a_{wot\ ref} - a_{wot\ (i+1)}) / (a_{wot\ (i)} - a_{wot\ (i+1)})$

Amendment

(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/s²**, use both gear ratios for the test. The weighting ratio in relation to the reference acceleration $a_{wot\ ref}$ is calculated by: $k = (a_{wot\ ref} - a_{wot\ (i+1)}) / (a_{wot\ (i)} - a_{wot\ (i+1)})$

Justification

In order to simulate the situation in real urban traffic the maximum acceleration should be at a level of 2.0 m/s².

Amendment 19

Proposal for a regulation

Annex II – point 4.1.2.1.4.1 – point c

Text proposed by the Commission

(c) if the acceleration value of gear ratio i exceeds **3.0 m/s²**, the first gear ratio shall be used that gives an acceleration below **3.0 m/s²** unless gear ratio $i + 1$ provides acceleration less than urban. In this case, two gears, i and $i + 1$ shall be used, including the gear i with acceleration exceeding **3.0 m/s²**. In other cases, no other gear shall be used. The achieved acceleration $a_{wot\ test}$ during the test shall be used for the calculation of the part power factor k_P instead of $a_{wot\ ref}$.

Amendment

(c) if the acceleration value of gear ratio i exceeds **2.0 m/s²**, the first gear ratio shall be used that gives an acceleration below **2.0 m/s²** unless gear ratio $i + 1$ provides acceleration less than urban. In this case, two gears, i and $i + 1$ shall be used, including the gear i with acceleration exceeding **2.0 m/s²**. In other cases, no other gear shall be used. The achieved acceleration $a_{wot\ test}$ during the test shall be used for the calculation of the part power factor k_P instead of $a_{wot\ ref}$.

Justification

In order to simulate the situation in real urban traffic the maximum acceleration should be at a level of 2.0 m/s².

Amendment 20

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 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>	Vehicles used for the carriage of passengers						
<i>M₁</i>	<i>no of seats ≤ 9</i>	70	71**	68	69**	68	69**
<i>M₁</i>	no of seats ≤ 9; power to mass ratio > 150 kW/ton	71	71	69	69	69	69
<i>M₂</i>	no of seats > 9; mass ≤ 2 tons	72	72	70	70	70	70
<i>M₂</i>	no of seats > 9; 2 tons < mass ≤ 3.5 tons	73	74	71	72	71	72
<i>M₂</i>	no of seats > 9; 3.5 tons < mass ≤ 5 tons; rated engine power < 150 kW	74	75	72	73	72	73
<i>M₂</i>	no of seats > 9; 3.5 tons < mass ≤ 5 tons; rated engine power ≥ 150 kW	76	78	74	76	74	76
<i>M₃</i>	no of seats > 9; mass > 5 tons; rated engine power <	75	76	73	74	73	74

	150 kW						
M ₃	no of seats > 9; mass > 5 tons; rated engine power ≥ 150 kW	77	79	75	77	75	77
N	Vehicles used for the carriage of goods						
N ₁	mass ≤ 2 tons	71	71	69	69	69	69
N ₁	2 tons < mass ≤ 3.5 tons	72	73	70	71	70	71
N ₂	3.5 tons < mass ≤ 12 tons; rated engine power < 75 kW	74	75	72	73	72	73
N ₂	3.5 tons < mass ≤ 12 tons; 75 ≤ rated engine power < 150 kW	75	76	73	74	73	74
N ₂	3.5 tons < mass ≤ 12 tons; rated engine power ≥ 150 kW	77	79	75	77	75	77
N ₃	mass > 12 tons; 75 ≤ rated engine power < 150 kW	77	78	75	76	75	76
N ₃	mass > 12 tons; rated engine power ≥ 150 kW	80	82	78	80	78	80

* 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.

** For M₁ vehicles the increased limit values for off-road vehicles are only valid if the maximum authorised mass > 2 tonnes.

Amendment

Annex III Limit values

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

Vehic le categ	Description of vehicle category	Limit values expressed in dB(A) [decibels(A)]
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		Limit values for Type-approval of new vehicle types****		Limit values for Type-approval of new vehicle types****		Limit values for Type-approval of new vehicle types****		Limit values for Type-approval of new vehicle types****
		Phase 1 valid from [2 years after publication] *****		Phase 2 valid from [6 years after publication] *****		Phase 3 valid from [10 years after publication]		Phase 4 valid from [14 years after publication] ***** *
		General	Off-road *	General	Off-road *	General	Off-road *	General ***
	Vehicles used for the carriage of passengers and goods *****							
M_1	no of seats ≤ 9 ; power to mass ratio ≤ 120 kW/ton	72	73 **	71	72**	71	72**	67
M_1	no of seats ≤ 9 ; 120 kW/ton < power to mass ratio ≤ 160 kW/ton	73	74	72	73	71	72	68
M_1	no of seats ≤ 9 ; power to mass ratio > 160 kW/ton	75	76	74	75	73	74	70
M_1	no of seats ≤ 4 including driver; power to mass ratio > 200	77	N/A	76	N/A	76	N/A	76

	<i>kW/ton; R point of the driver seat < 450 mm from ground</i>							
M ₂	no of seats > 9; mass ≤ 2.5 tons; rated engine power < 75kW	71	72	69	70	69	70	68
M ₂	no of seats > 9; mass ≤ 2.5 tons; rated engine power ≥ 75 kW	72	73	70	71	70	71	69
M ₂	no of seats > 9; 2.5 tons < mass ≤ 3.5 tons	74	75	72	73	71	72	70
M ₂	no of seats > 9; mass > 3.5 tons	76	77	73	74	72	73	71
N ₁	mass ≤ 2.5 tons	72	73	71	72	71	72	69
N ₁	2.5 tons < mass ≤ 3.5 tons	73	74	73	74	72	73	69
		<i>Limit values for Type-approval of new vehicle types</i>		<i>Limit values for Type-approval of new vehicle types</i>		<i>Limit values for Type-approval of new vehicle types****</i>		<i>Limit values for Type-approval of new vehicle types* ****</i>
		<i>Phase 1 valid from [3 years after publication]</i>		<i>Phase 2 valid from [8 years after publication]</i>		<i>Phase 3 valid from [12 years after publication]</i>		<i>Phase 4 valid from [16 years after publication] ***** *</i>
		<i>General</i>	<i>Off-road *</i>	<i>General</i>	<i>Off-road *</i>	<i>General</i>	<i>Off-road *</i>	<i>General ***</i>
M ₃	no of seats > 9;	74	75	73	74	72	73	71

	mass > 5 tons; rated engine power ≤ 100 <i>kW</i>							
M ₃	no of seats > 9; mass > 5 tons; <i>100 kW</i> < rated engine power \leq <i>180 kW</i>	76	77	74	75	73	74	72
M ₃	<i>no of seats > 9;</i> <i>mass > 5 tons;</i> <i>180 < rated</i> <i>engine power \leq</i> <i>250 kW</i>	78	79	78	79	76	77	75
M ₃	<i>No of seats > 9;</i> <i>mass > 5 tons;</i> <i>rated engine</i> <i>power > 250</i> <i>kW</i>	80	81	79	80	78	79	77
N ₂	3.5 tons < mass ≤ 12 tons; rated engine power < 75 kW	76	77	75	76	74	75	71
N ₂	3.5 tons < mass ≤ 12 tons; $75 \leq$ rated engine power < 150 kW	76	77	76	77	73	74	72
N ₂	3.5 tons < mass ≤ 12 tons; <i>150 kW \leq rated</i> engine power	78	79	77	78	77	78	74
N ₃	mass > 12 tons; rated engine power < <i>100</i> <i>kW</i>	76	77	75	76	75	76	72
N ₃	mass > 12 tons; <i>100 \leq rated</i> engine power < 150 kW	79	80	78	79	77	78	75
N ₃	<i>mass > 12 tons;</i> <i>150 \leq rated</i> <i>engine power <</i> <i>250 kW</i>	81	82	80	81	79	80	77
N ₃	<i>mass > 12 tons;</i> <i>rated engine</i> <i>power ≥ 250</i>	82	83	81	82	80	81	79

	<i>kW</i>							
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- * 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.
- ** For M₁ vehicles the increased limit values for off-road vehicles are only valid if the maximum authorised mass > 2 tonnes.
- *** ***For off-road vehicles the general limit values are increased by + 1 dB(A)***
- **** ***Transitional period for first registration of new vehicles: 2 years after entry into force, except for vehicles of M₁/N₁ ≤ 50kW/t and M₂ ≤ 75kW, for which the transitional period applies first from phase 2 onwards.***
- ***** ***Transitional period for first registration of new vehicles: 3 years after entry into force.***
- ***** ***The Commission shall carry out a detailed study to validate Phase 4 with respect to the technical feasibility of the noise limits proposed, once Phase 3 is introduced. In the event of a positive evaluation, Phase 4 shall be applied four years after publication of the Commission study.***
- ***** ***M1 Special purpose vehicles:***
Wheelchair accessible vehicles (as defined in Paragraph 5.5 of Annex II to Directive 2007/46/EC) and armoured vehicles (as defined in Part A 5.2 Annex II to Directive 2007/46/EC), modification in the exhaust system pipe work is permitted without any further test provided all the original emission control devices including particulate filters (if any) are retained. If a new test is required, an extra 2dB(A) above the applicable limit shall be allowed.
- ***** ***For vehicles produced in small series according to section 1 of Part A of Annex XII to Directive 2007/46/EC the applicable date for phase 1 and phase 2 are delayed by two years.***

Amendment 21

Proposal for a regulation Annex VI – point 3 – paragraph 1

Text proposed by the Commission

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

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. ***For the COP requirements the limit values of Annex III are fulfilled if the limit values of Annex III are complied with an additional margin of 1 dB(A).***

Justification

In the current legislation regarding the check of the conformity of production a margin of 1 dB(A) is foreseen.

Amendment 22

Proposal for a regulation Annex IX – part A – point 1

Text proposed by the Commission

Acoustic Vehicle Alerting System (AVAS) is a **sound generating device designed to inform** pedestrians and vulnerable road users.

Amendment

Acoustic Vehicle Alerting System (AVAS) is a **system for hybrid electric and electric road transport vehicles which provide vehicle operation information to** pedestrians and vulnerable road users.

Justification

The definition of AVAS in the corresponding Annex IX should be in line with the definition of AVAS in Article 3 (21).

Amendment 23

Proposal for a regulation Annex IX – part A – point 4 – point a

Text proposed by the Commission

(a) The sound to be generated by the AVAS should be a continuous sound that provides information to the pedestrians and vulnerable road users of a vehicle in operation.

Amendment

(a) The sound to be generated by the AVAS should be a continuous sound that provides information to the pedestrians and vulnerable road users of a vehicle in operation. ***The sound should be easily indicative of vehicle behaviour and should sound similar to the sound of a vehicle of the same category equipped with an internal combustion engine.***

However, the following and similar types of sounds are not acceptable:

(i) Siren, horn, chime, bell and emergency vehicle sounds

(ii) Alarm sounds e.g. fire, theft, smoke

alarms

(iii) Intermittent sound

The following and similar types of sounds should be avoided:

(iv) Melodious sounds, animal and insect sounds

(v) Sounds that confuse the identification of a vehicle and/or its operation (e.g. acceleration, deceleration etc.)

Justification

The enumeration of the different types of sounds which are not acceptable for use in AVAS should rather be replaced by a clear description of the features of the sounds which are acceptable.

PROCEDURE

Title	Sound level of motor vehicles
References	COM(2011)0856 – C7-0487/2011 – 2011/0409(COD)
Committee responsible Date announced in plenary	ENVI 15.12.2011
Opinion by Date announced in plenary	IMCO 15.12.2011
Rapporteur Date appointed	Anja Weisgerber 29.2.2012
Discussed in committee	26.4.2012 8.5.2012 20.6.2012
Date adopted	21.6.2012
Result of final vote	+: 27 -: 3 0: 2
Members present for the final vote	Pablo Arias Echeverría, Adam Bielan, Sergio Gaetano Cofferati, Birgit Collin-Langen, Lara Comi, Anna Maria Corazza Bildt, Cornelis de Jong, Christian Engström, Evelyne Gebhardt, Malcolm Harbour, Philippe Juvin, Toine Manders, Hans-Peter Mayer, Sirpa Pietikäinen, Robert Rochefort, Zuzana Roithová, Heide Rühle, Christel Schaldemose, Andreas Schwab, Róza Gräfin von Thun und Hohenstein, Emilie Turunen, Bernadette Vergnaud, Barbara Weiler
Substitute(s) present for the final vote	Raffaele Baldassarre, Mario Borghezio, Simon Busuttil, Pier Antonio Panzeri, Laurence J.A.J. Stassen, Marc Tarabella, Kyriacos Triantaphyllides, Anja Weisgerber, Kerstin Westphal

