

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05.04.2006
COM(2006) 150 final

Proposal for a

COUNCIL DECISION

on the position of the European Community regarding the adaptation to technical progress of Regulation 51 of the United Nations Economic Commission for Europe

(presented by the Commission)

EXPLANATORY MEMORANDUM

Since UN/ECE Regulation 51 regarding the noise of motor vehicles (cars, trucks and buses) came into force, the applicable limit values have been reduced several times, the last time in 1995. This last reduction did not have the expected effects, and subsequent studies showed that the measurement method does not reflect real world driving behaviour any longer. It was therefore decided that, before reducing the limit values once again, it is first of all necessary to elaborate a new test cycle and bring the driving conditions for the noise test closer in line with real life driving conditions.

A working group within UN/ECE has now prepared an amendment to Regulation 51. The envisaged amendment shall replace the existing test protocol with a better measurement method reproducing the sound levels generated by vehicles during normal driving in urban traffic. The group has also discussed new limit values and proposes to introduce these with relatively long transitory periods.

While the Commission believes that the new test method may be a suitable one, it feels that the working group was trying to introduce it hastily and that no proper impact assessment has taken place. The same is true for the limit values. The Commission has therefore opposed the document from the working group and proposes the following improvements:

(1) An impact assessment should be made before the new test method, let alone any limit values, can be adopted.

(2) The Commission has volunteered to do the impact assessment.

(3) In order for the Commission to obtain representative data for a solid impact assessment, it proposes that vehicle manufacturers shall carry out the old and the new measurement method in parallel. The old method would continue to be required in order to get type-approval and the new method would be used for monitoring purposes.

(4) As soon as a sufficient number of representative data have been collected, the Commission would conclude its impact assessment and would propose limit values. The monitoring process would then stop.

The present proposal limits the duration and extent of the monitoring process. For example, certain categories of approvals will be excluded from the monitoring and the duration will be limited to two years.

The issue was presented to the ‘Committee for Adaptation to Technical Progress’ (CATP) on 14. February 2006. During this meeting the Committee did not deliver a favourable opinion on the Commission proposal. It is therefore proposed, in line with the Comitology procedure, that the draft is submitted to the Council for further discussion. Within three months after receipt the Council shall act by qualified majority on the proposal. If on expiry of that period the Council has neither adopted the act nor indicated its opposition, the proposal shall be adopted by the Commission according to Council Decision 1999/468/EC.

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on the position of the European Community regarding the adaptation to technical progress of Regulation 51 of the United Nations Economic Commission for Europe

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe ("UN/ECE") concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions[1] ("Revised 1958 Agreement"), and in particular the first indent of Article 4(2) thereof,

Having regard to the proposal from the Commission[2]

Whereas:

(1) Where a proposal to adapt a Regulation of the United Nations Economic Commission for Europe annexed to the "Revised 1958 Agreement" - a Regulation which binds the Community by virtue of the provisions of Annex II to Decision 97/836/EC or to which the Community has acceded subsequently - is put to the vote in the Administrative Committee set up pursuant to Article 1(2) of the said Agreement, the vote which the Commission is to cast may be adopted in accordance with the procedure applicable to technical adaptations of Directives relating to the type-approval of motor vehicles.

(2) In the light of experience and technical developments, the requirements relating to certain elements or features covered by UN/ECE Regulation 51 need to be adapted.

(3) A draft Commission Decision was submitted to the Committee on Adaptation to Technical Progress set up by Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers. The Committee did not deliver a favourable opinion on the draft Decision at its meeting of 14 February 2006. Thus, according to the Comitology procedure, the Commission had to submit a proposal for measures to be taken to the Council.

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1 OJ L 346, 17.12.1997, p. 78.

2 OJ C […] […], p. […]

HAS DECIDED AS FOLLOWS:

Article 1

The draft amendment to the Regulation of the UN/ECE referred to in the annex is hereby approved.

Article 2

The European Community represented by the Commission shall vote in favour of the draft amendment to the Regulation referred to in Article 1 in the vote to be held at the meeting of the Administrative Committee on 22 or 23 June 2006 during the 139th meeting of the "World Forum for Harmonisation of Vehicle Regulations" of the UN/ECE or, as appropriate, when they are put to the vote at a later meeting.

Done at Brussels,

For the Council
The President

ANNEX

The European Community's vote relates to the following document:

Regulation No 51	TRANS/WP.29/2006/31
	TRANS/WP.29/2006/31/Add. 1