Proposal for a Council Directive amending the First Council Directive on the establishment of common rules for certain types of carriage of goods by road between Member States

(Submitted by the Commission to the Council on 4 July 1983)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 (1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the First Council Directive (1), as last amended by Directive 82/50/EEC (2), must be amended to ensure the liberalization of the type of carriage by road referred to in this Directive in respect of carriage by road concerning the regions of certain Member States which are separated by the territory of one or more third countries or by an area of sea,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and II to the First Council Directive of 23 July 1962 are hereby amended as follows:

1. In Annex I, the second subparagraph of point 1 is replaced by the following:

'In the case of carriage between Member States whose territories are separated by an area of sea or by one or more third countries, no account shall be taken of the distance travelled either on board a means of sea transport specially constructed and equipped for the carriage of commercial vehicles or in transit through the territory of the third country or countries.'

2. In Annex II, the second subparagraph of point 1 is replaced by the following:

'In the case of carriage between Member States whose territories are separated by an area of sea or solely by one or more third countries, the distance of 25 kilometres as the crow flies shall be calculated from the point where the vehicle is unloaded from or loaded on a means of sea transport specially constructed and equipped for the carriage of commercial vehicles or from the frontier point of entry into the Member State of destination or from the point of exit from the Member State of origin in the case of transit through the territory of one or more third countries.'

Article 2

Member States shall take the measures necessary to comply with this Directive not later than 31 May 1984. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

(1) OJ No 70, 6. 8. 1962, p. 2005/62.
(2) OJ No L 27, 4. 2. 1982, p. 22.

Proposal for a Council Directive amending Directive 70/157/EEC on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles

(Submitted by the Commission to the Council on 5 July 1983)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Council Directive 70/157/EEC (1), as last amended by Directive 81/334/EEC (2), lays down in its Annex the maximum sound levels for motor vehicles intended for use on the road, with or without bodywork, and having at least four wheels and a maximum design speed exceeding 25 kilometres per hour, with the exception of vehicles which run on rails, agricultural or forestry tractors and machinery and public works vehicles;

Whereas the protection of the public in urban areas against noise nuisance requires suitable measures to reduce the noise level of motor vehicles; whereas such a reduction has been made possible by technical progress in motor vehicle construction;

Whereas Annex I to Directive 70/157/EEC should accordingly be amended by reducing the permissible sound level values expressed in dB(A) for every category of vehicle referred to therein;

Whereas such a reduction represents a major step forward in the improvement of the environment; whereas the provisions in question should nevertheless be reviewed at a later date in the light of the results of the Commission's work in the context of an overall approach to all the main aspects of Community rules in the motor vehicle sector,

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No L 42, 23. 2. 1970, p. 16.
(2) OJ No L 131, 18. 5. 1981, p. 6.

Article 1

The table in Item 5.2.2.1 of Annex I to Directive 70/157/EEC is hereby replaced by the following table:

	'Vehicle categories	Values expressed in dB(A)
5.2.2.1.1.	Vehicles intended for the carriage of passengers and equipped with not more than nine seats, including the driver's seat	77
5.2.2.1.2.	Vehicles intended for the carriage of passengers and equipped with more than nine seats, including the driver's seat, and having a maximum permissible mass of more than 3,5 tonnes, and	
5.2.2.1.2.1.	— with an engine power of less than 150 kW	80
5.2.2.1.2.2.	— with an engine power of not less than 150 kW	83
5.2.2.1.3.	Vehicles with a maximum permissible mass not exceeding 3,5 tonnes intended for the carriage of passengers and equipped with more than nine seats, including the driver's seat, and/or intended for the carriage of goods	78
5.2.2.1.4.	Vehicles with a maximum permissible mass exceeding 3,5 tonnes, intended for the carriage of goods, and	
5.2.2.1.4.1.	— with an engine power of less than 75 kW	80
5.2.2.1.4.2.	— with an engine power of not less than 75 kW but less than 150 kW	82
5.2.2.1.4.3.	— with an engine power of not less than 150 kW	84'

Article 2

1. With effect from 1 January 1985, Member States may not, on grounds relating to the permissible sound level and the exhaust system:

— refuse, in respect of a type of motor vehicle, to grant EEC type approval, to issue the document referred to in the third indent of Article 10 (1) of Council Directive 70/156/EEC (3), or to grant national type approval, or

— prohibit the entry into service of vehicles,

if the sound level and the exhaust system of this type of vehicle or of these vehicles comply with the

(3) OJ No L 42, 23. 2. 1970, p. 1.

provisions of Directive 70/157/EEC, as amended by this Directive.

2. With effect from 1 October 1986, Member States:

— may no longer issue the document referred to in the third indent of Article 10 (1) of Directive 70/156/EEC in respect of a type of motor vehicle of which the sound level and the exhaust system do not comply with the requirements of Directive 70/157/EEC as amended by this Directive,

— may refuse to grant national type approval in respect of a type of motor vehicle of which the sound level and the system do not comply with the requirements of Directive 70/157/EEC, as amended by this Directive.

However, for vehicles in category 5.2.2.1.3 as defined in Article 1 which are equipped with diesel engines and for vehicles in category 5.2.2.1.4, the date '1 October 1986' shall be replaced by the date '1 October 1987'.

3. With effect from 1 October 1988, Member States may prohibit the entry into service of vehicles of which the sound level and exhaust system do not comply with the requirements of Directive 70/157/EEC, as amended by this Directive.

However, for vehicles in category 5.2.2.1.3 as defined in Article 1 which are equipped with diesel engines and for vehicles in category 5.2.2.1.4, the date '1 October 1988' shall be replaced by the date '1 October 1989'.

Article 3

The Council shall, not later than 31 December 1990, decide on a further review of the provisions of Directive 70/157/EEC on the basis of a Commission report concerning possible new measures relating to Community rules in the motor-vehicle sector, which is to be drawn up with due regard to safety, environmental protection and energy conservation factors.

Article 4

Member States shall bring into force the provisions necessary to comply with this Directive before 1 January 1985. They shall forthwith inform the Commission thereof.

Article 5

This Directive is addressed to the Member States.