COMMISSION DIRECTIVE

of 3 July 1984

adapting to technical progress Council 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

(84/372/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 (1), as last amended by Directive 80/1267/EEC (2), and in particular Article 11 thereof,

Having regard to Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (3), as last amended by Directive 81/334/EEC (4), and in particular Article 3 thereof,

Whereas, as a result of the experience gained in this field and in view of the present state of the art, it is now possible to modify certain requirements relating to the method of measuring the noise emitted by certain types of vehicle in order to bring them more into line with actual operating conditions ; whereas the vehicles concerned are high-performance vehicles and vehicles with automatic transmission equipment with a manual override ;

Whereas, in particular, this type of high-performance vehicle has the important characteristic of being built by the most-advanced techniques, which usually precede the methods subsequently used in series production, and with optimization of parts and characteristics as regards active and passive safety, air pollution, noise emissions and fuel consumption ; whereas, as far as the operation of the vehicles is concerned, the present method of determining the permissible sound level, designed to reveal the amount of noise emitted by the vehicles when operated under urban traffic conditions, is not, according to the latest experiments, representative of the actual use of high-performance vehicles under urban traffic conditions ; whereas the modifications necessary in order to obviate this disadvantage and to permit more accurate assessment of the noise emitted by this type of vehicle have already been adopted by the United Nations Economic Commission for Europe in its Regulation No 51, as recently amended ;

Whereas the provisions of this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directives for the Removal of Technical Barriers to Trade in the Motor-Vehicle Sector,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Annex I to Directive 70/157/EEC, as last amended by Directive 81/334/EEC, is hereby amended in accordance with the Annex to this Directive.

Article 2

1. With effect from 1 October 1984, Member States shall 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 last indent of Article 10 (1) of Directive 70/156/EEC, or to grant national type-approval, or

— prohibit the entry into service of such vehicles,

if the sound level and the exhaust system of this type of vehicle or of the vehicles concerned conform to the provisions of Directive 70/157/EEC, as amended by this Directive.

2. With effect from 1 October 1985, Member States :

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

(1) OJ No L 42, 23. 2. 1970, p. 1.
(2) OJ No L 375, 31. 12. 1980, p. 34.
(3) OJ No L 42, 23. 2. 1970, p. 16.
(4) OJ No L 131, 18. 5. 1981, p. 6.