II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 7 November 1973

adapting to technical progress the Council Directive 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

(73/350/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the Council Directive of 6 February 1970 (1) on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (70/156/EEC), as amended by the Act (2) annexed to the Treaty concerning the Accession of new Member States to the EEC and EAEC signed in Brussels on 22 January 1972, and in particular to Articles 11, 12 and 13 thereof;

Having regard to the Council Directive of 6 February 1970 (3) on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (70/157/EEC), as amended by the Act annexed to the Treaty concerning the Accession of new Member States to the EEC and EAEC signed in Brussels on 22 January 1972, and in particular to Article 3 thereof;

Whereas a vehicle must be designed and built in such a way that its sound level does not exceed the prescribed limits; whereas this principle applies especially to exhaust systems (silencers);

Whereas in the light of technical progress it is now possible to test exhaust systems under conditions which correspond to their normal operating state in road traffic; whereas in consequence methods shall be adopted which enable new types of silencers to be tested under these conditions; whereas the testing of silencers may be effected by continuous road-testing or by special bench tests; whereas since all the effects of continuous on-the-road, operation cannot always be produced, it is necessary where there is any doubt, to have recourse to the test bench;

Whereas the provisions of this Directive are in conformity with the Opinion of the Committee on the adaptation to technical progress of the Directives on the removal of technical barriers to trade in the motor vehicle sector,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In the Annex to the Council Directive of 6 February 1970 (70/157/EEC), heading II, entitled 'exhaust system (silencers)', is replaced by the text contained in the Annex to the present Directive.

(1) OJ No L 42, 23. 2. 1970, p. 1.
(2) OJ No L 73, 27. 3. 1972, pp. 115 and 157.
(3) OJ No L 42, 23. 2. 1970, p. 16.

Article 2

1. With effect from 1 March 1974 the Member States shall not, on grounds relating to the permissible sound level and the exhaust system :

— refuse EEC type-approval, or the delivery of the document referred to in Article 10 (1), second indent, of the Council Directive of 6 February 1970 (70/156/EEC) or the national type-approval for any type of motor vehicle

— 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 provisions of the Council Directive of 6 February 1970 (70/157/EEC) as last amended by this Directive.

2. With effect from 1 October 1974 the Member States :

— shall no longer issue the document envisaged in Article 10 (1), second indent, of the Council Directive of 6 February 1970 (70/156/EEC) for a type of vehicle the sound level and the exhaust system of which do not comply with the provisions of the Council Directive of 6 February 1970 (70/157/EEC) as last amended by this Directive,

— may refuse the national type-approval of a type of vehicle the sound level and the exhaust system of which do not comply with the provisions of the Council Directive of 6 February 1970 (70/157/EEC) as last amended by this Directive.

3. With effect from 1 October 1975 the Member States may prohibit the first entry into service of vehicles the sound level and exhaust system of which do not comply with the provisions of the Council Directive of 6 February 1970 (70/157/EEC) as last amended by this Directive.

4. The Member States shall adopt and publish the provisions necessary in order to comply with this Directive before 1 March 1974 and shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to all the Member States.

Done at Brussels, 7 November 1973.

For the Commission

The President

François-Xavier ORTOLI