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Report

drawn up on behalf of the Committee on Regional Policy, Regional Planning and Transport

on the proposal from the Commission of the European Communities to the Council (Doc. 478/75) for a directive on the approximation of the laws of the Member States relating to the permissible sound level and to the exhaust system of motor cycles

Rapporteur: Mr K. NYBORG

PE 44.370/fin.

By letter of 7 January 1976 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to the permissible sound level and to the exhaust system of motor cycles.

The President of the European Parliament referred this proposal to the Committee on Regional Policy, Regional Planning and Transport as the committee responsible and to the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Protection for their opinions.

On 9 March 1976 the Committee on Regional Policy, Regional Planning and Transport appointed Mr Nyborg rapporteur.

It considered this proposal at its meeting of 27 April 1976 and unanimously adopted the motion for a resolution and explanatory statement.

Present: Mr Evans, Chairman; Mr Nyborg, Vice-Chairman and rapporteur; Mr de Clercq, Mr Ellis, Mr Hamilton, Mr Herbert, Mrs Kellett-Bowman, Mr Mitterdorfer, Mr Mursch, Mr Osborn, Mr Schwörer (deputizing for Mr Colin) and Mr Seefeld.

The opinions of the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Protection are attached.

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A

The Committee on Regional Policy, Regional Planning and Transport hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement,

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to the permissible sound level and to the exhaust system of motor cycles

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 478/75);
 - having regard to the report of the Committee on Regional Policy, Regional Planning and Transport and the opinions of the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Protection (Doc. 93/76).
 - noting that the Council has not yet adopted the proposed directive on Community-level type-approval procedure for motor cycles which was submitted by the Commission to the Council on 24 July 1974, and which forms the juridical basis for the present proposed directive;
 - recalling that it has on a number of occasions stressed the need to limit the applicability of the "optional" system of harmonisation where questions of road safety or environmental pollution are concerned;
1. Calls on the Council to adopt without delay the proposed directive on Community-level type-approval procedure for motor cycles.
 2. Considers that the optional system introduced in the proposed directive should be applicable for a limited period only so that unified Community legislation for all the Member States can be enacted at a later stage.
 3. Invites the Commission to adopt the following amendment pursuant to Article 149(2) of the EEC Treaty.

¹ O.J. No C 54 of 8.3.1976, p.33

Proposal for a Council Directive on the approximation
of the laws of the Member States relating to the
permissible sound level and to the exhaust system of
motor cycles

Preamble and first four recitals unchanged

5. Whereas in the interests of the protection of the environment it is necessary that a single Community system should ultimately be adopted for all the Member States.

Articles 1 to 5 unchanged

Article 6

1. Member States shall adopt and publish by 1 October 1977 the provisions necessary to comply with this Directive and shall forthwith inform the Commission thereof. They shall implement these provisions with effect from 1 October 1978.
2. After notification of this Directive, Member States shall take steps to inform the Commission, in sufficient time for it to make comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive.

Article 6

1. unchanged
2. unchanged
3. The Commission shall subsequently submit to the Council a further proposal for the adoption of a single Community system for all the Member States.

Articles 7 and Annexes unchanged.

¹ For full text see O.J. No C 54 of 8.3.1976, p.33

EXPLANATORY STATEMENT

1. The proposal for a directive relating to the permissible sound level and to the exhaust system of motor cycles stems from a proposal for a Directive submitted by the Commission to the Council on 24 July 1974¹ on which the Council has yet to take a decision. Technically therefore there is no juridical basis for the proposal, but it is to be hoped that this present proposal will provide the necessary impetus to persuade the Council to take a speedy and favourable decision on the enabling proposal of 1974.
2. Although the immediate justification of this proposed Directive arises from Article 100 of the Treaty, since differing prescribed levels for the emission of sound can create barriers to trade, the proposal also has, as the Explanatory Statement makes clear, an important environmental aspect.
3. Noise pollution from motor cycles, as everybody is only too well aware, can be considerable, and any measures which contribute to controlling or limiting it are to be welcomed.
4. On the other hand the proposed Directive offers a rather negative approach to this matter since the levels prescribed do not represent a compulsory minimum sound level throughout the countries of the Community, but only a minimum level which, if complied with, must be accepted by Member States so that they may not refuse the registration or sale, entry into service or use of any such motor cycle. Unfortunately this does not mean that individual Member States could not have lower standards than the ones provided for in this regulation.
5. In your Rapporteur's opinion noise pollution has so damaging an effect on the environment that the standards proposed here should ultimately become a compulsory Community minimum level. He has therefore proposed an amendment which the Committee has often made when examining proposals of this nature or which concern safety, the effect of which is to call on the Commission to submit a further proposal to the Council for a single Community system for all the Member States.

¹ COM(74) 1175 final of 24 July 1974

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Letter from Mr MITTERDORFER, draftsman, to Mr EVANS, chairman of the Committee on Regional Policy, Regional Planning and Transport.

Brussels, 13 April 1976

Dear Mr Chairman,

At its meeting of 12 and 13 April, the Committee on Economic and Monetary Affairs considered the proposals for Directives on the approximation of the laws of the Member States relating to the permissible sound level and to the exhaust system of motor cycles (Doc. 478/75) and to the field of vision of motor-vehicle drivers (Doc. 485/75), on which it had been asked for its opinion.

Member States' divergent legislation on sound levels and drivers' field of vision obstructs the free trade in motor cycles (Doc. 478/75) and motor vehicles (Doc. 485/75).

Approximation of these laws will contribute to the realization of free trade in these commodities. However, the method of harmonization chosen, i.e. optional harmonization, will not remove all the barriers to trade. Moreover, this method is even less appropriate where these proposals have a bearing on protection of the environment and safety, and compulsory harmonization is therefore to be recommended. In the long term, optional harmonization ought to be replaced by compulsory harmonization.

With this reservation, the Committee on Economic and Monetary Affairs unanimously adopted the Commission proposals¹.

I would ask you to consider this letter as the opinions requested on 14 January (Doc. 478/75) and 15 January (Doc. 485/75).

(sgd.) K. MITTERDORFER
Draftsman of the opinion

¹ Present: Mr Van der Hek, chairman; Mr Mitterdorfer, draftsman; Lord Ardwick, Mr Artzinger, Mr Clerfäyt, Mr Delmotte, Mr Deschamps, Mr Dykes, Mrs Kellett-Bowman (deputizing for Sir Brandon Rhys-Williams), Mr Lange, Mr Normanton, Mr Nyborg and Mr Suck.

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND CONSUMER
PROTECTION

Rapporteur: Mr Willi MULLER

The Committee on the Environment, Public Health and Consumer Protection appointed Mr Willi MÜLLER draftsman of an opinion on 26 January 1976.

It considered the draft opinion at its meetings of 16 February 1976 and 22 March 1976 and adopted it unanimously.

Present: Mr Della Briotta, chairman; Lord Bethell, vice-chairman; Mr W. Müller, draftsman; Mr Adams, Miss Boothroyd, Mr Brégégère, Mr De Sanctis, Mr Dongelinger (deputizing for Mr Didier), Lady Fisher of Rednal, Sir Peter Kirk, Mr K. Nielsen, Mr Noe', Mr Premoli, Mr Rivierez, Mr Schmidt (deputizing for Mr Walkhoff), Mr Schwabe, Mr Spicer and Mr Springorum.

INTRODUCTION

1. Motor cycles account for a substantial proportion of town traffic and the number of vehicles of this type is constantly on the increase.

It has, in addition, been proved that with most motor cycles the intensity of the noise emitted is at least doubled if the number of revolutions per minute is increased by 20%.

A reduction in the sound level of these machines would therefore undoubtedly help to reduce one of the major sources of traffic noise, particularly in the case of town traffic.

CONSIDERATION OF THE PROPOSAL

2. The proposal submitted by the Commission comes within the scope of the Community type-approval procedure for motor cycles, which was the subject of the proposal for a directive submitted to the Council by the Commission on 24 July 1974.

However, this directive has not yet been approved by the Council. Your committee deplors this delay in reaching a decision and urges the Council to adopt the basic directive as soon as possible.

3. The proposal is also designed to eliminate the differences between the laws of the Member States as regards the technical features of motor cycles, which result in obstacles to trade.
4. The European Community action programme on the environment, adopted by the Council on 22 November 1973, also provides for a reduction in the noise level of motor cycles.

The Committee on the Environment, Public Health and Consumer Protection is therefore, in principle, in favour of this proposal for a directive, which is designed to reduce the noise level and thereby improve conditions both for drivers and for the general public.

5. We note once again that the Commission is proposing 'optimal harmonization'. This means that Member States can continue to allow on the roads motor cycles that do not comply with the regulations laid down in the annexes.

Your committee has always stressed the importance of compulsory harmonization whenever the protection of the environment is concerned. It therefore urges the Commission of the European Communities to go into this matter thoroughly and to submit proposals in due course for the introduction of a single system throughout the Community.

CONCLUSIONS

6. The Committee on the Environment, Public Health and Consumer Protection requests the committee responsible to take account in its report of the following considerations:

- the outline directive on the Community type-approval procedure for motor cycles should be adopted by the Council as soon as possible;
- if the environment is to be effectively protected - more particularly with regard to sound levels - the 'optional harmonization' should be replaced by a single Community system.

