



Council of the
European Union

057060/EU XXVI. GP
Eingelangt am 08/03/19

Brussels, 8 March 2019
(OR. en)

7343/19

DELECT 51
MI 240
ENV 275
ENT 67
TRANS 184
BETREG 1

COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 7 March 2019

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2019) 1774 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 7.3.2019
amending Regulation (EU) No 540/2014 of the European Parliament and of
the Council on the sound level of motor vehicles and of replacement
silencing systems

Delegations will find attached document C(2019) 1774 final.

Encl.: C(2019) 1774 final



Brussels, 7.3.2019
C(2019) 1774 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 7.3.2019

**amending Regulation (EU) No 540/2014 of the European Parliament and of the Council
on the sound level of motor vehicles and of replacement silencing systems**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Hybrid electric and pure electric vehicles, also called Quiet Road Transport Vehicles (QRTV), emit sound of substantially reduced level, compared to vehicles with internal combustion engine, thus resulting in environmental benefits. That reduction has removed an important source of audible signal that warns vulnerable road users, typically visually impaired persons or cyclists, of the vehicle approach, presence or departure.

Type-approval requirements with regard to sound emissions applying to vehicles of categories M and N are set out in Regulation (EU) No 540/2014¹. In this Regulation minimum sound emission requirements are also laid down for the installation of Acoustic Vehicle Alerting System (AVAS) on QRTV, aiming to the warning of vulnerable road users for their safety towards the presence of such vehicles. Those requirements are already detailed at the same level of UN Regulation No 138 on the approval of QRTV².

It is now necessary to update the AVAS requirements in Regulation (EU) No 540/2014 by taking into account the amendment 01 to UN Regulation No 138, for the improvement of safety measures of vulnerable users, through the prohibition of the AVAS pause function. At the same time, the Commission shall fulfil the legislative obligation of UNECE 1958 Agreement to apply the AVAS requirements set out in 01 series of amendments to UN Regulation No 138, and to which the Union has acceded.

This act aims at amending Annex VIII of Regulation (EU) No 540/2014 with AVAS technical requirements, by referring to 01 series of amendments to UN Regulation No 138.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In the preparation of this act, the Commission carried out appropriate consultations at expert level comprising the relevant industrial stakeholders, social partners and Member State experts.

This act has been subject to a public consultation through the Better Regulation Portal from 13 December 2018 to 10 January 2019; one positive comment has been received and taken into account.

In addition, an EU TBT notification for this act was published on the WTO website from 13 December 2018 to 11 February 2019; no comments have been received.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

(a) Legal basis

The legal basis of this delegated act is Article 9 of Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC.

¹ Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131)

² Regulation No 138 of the Economic Commission for Europe of the United Nations (UNECE) — Uniform provisions concerning the approval of Quiet Road Transport Vehicles with regard to their reduced audibility [2017/71] (OJ L 9, 13.1.2017, p. 33)

(b) **Choice of instruments**

A regulation is the appropriate instrument to amend Regulation (EU) No 540/2014.

COMMISSION DELEGATED REGULATION (EU) .../...

of 7.3.2019

amending Regulation (EU) No 540/2014 of the European Parliament and of the Council
on the sound level of motor vehicles and of replacement silencing systems

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC³, and in particular the second paragraph of Article 8 and Article 9 thereof,

Whereas:

- (1) Regulation (EU) No 540/2014 lays down requirements for the EU type-approval of all new vehicles of categories M (vehicles used for the carriage of passengers) and N (vehicles used for the carriage of goods) with regard to their sound level. That Regulation also lays down measures concerning the Acoustic Vehicle Alerting System (AVAS) for hybrid electric and pure electric vehicles, aiming at the warning of vulnerable road users.
- (2) The information document pursuant to Annex I to Directive 2007/46/EC of the European Parliament and of the Council⁴ relating to EU type-approval of a vehicle with respect to the permissible sound level should be reviewed to reflect the detailed requirements on AVAS.
- (3) Following the adoption, at the 171st session of the World Forum for Harmonization of Vehicle Regulations of the United Nations Economic Commission for Europe (UNECE), of the 01 series of amendments to UN Regulation 138 on the approval of quiet road transport vehicles, Annex VIII to Regulation (EU) No 540/2014 should be reviewed in order to introduce the AVAS pause function prohibition.
- (4) Regulation (EU) No 540/2014 should therefore be amended accordingly.
- (5) Considering that this Regulation contains an adaptation to reflect requirements pertaining to the AVAS pause function already applicable under the UNECE 1958 Agreement, and introduces the necessary transitional provisions for application in 2019, it should enter into force as a matter of urgency,

³ OJ L 158, 27.5.2014, p. 131.

⁴ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and VIII to Regulation (EU) No 540/2014 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7.3.2019

For the Commission
The President
Jean-Claude JUNCKER