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EUROPEAN COMMISSION

Brussels, 27.9.2010
COM(2010) 508 final

2010/0261 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the permissible sound level and the exhaust system of motor vehicles

(Codification)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided¹ to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of 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 vehicles³. The new Directive will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ See Annex IV, Part A, of this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in 22 official languages, of Directive 70/157/EEC and the instruments amending it, carried out by the Publications Office of the European Union, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex V to the codified Directive.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the permissible sound level and the exhaust system of motor vehicles

(Codification)
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof;

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

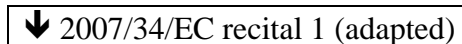
Having regard to the opinion of the European Economic and Social Committee⁵,

Acting in accordance with the ordinary legislative procedure,

Whereas:



- (1) 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 vehicles⁶ has been substantially amended several times⁷. In the interests of clarity and rationality the said Directive should be codified.



- (2) Directive 70/157/EEC is one of the separate Directives of the EC type-approval system provided for in 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)⁸ and lays down technical prescriptions concerning the permissible sound level and the exhaust system

⁵ OJ C [...], [...], p. [...].

⁶ OJ L 42, 23.2.1970, p. 16.

⁷ See Annex IV, Part A.

⁸ OJ L 263, 9.10.2007, p. 1.

of motor vehicles. Those technical prescriptions concern the approximation of the laws of the Member States to enable the EC type-approval procedure provided for in Directive 2007/46/EC to be applied in respect of each type of vehicle. Consequently, ~~the~~ provisions ~~laid down in~~ ~~Directive 2007/46/EC~~ relating to systems, components and separate technical units for vehicles apply to ~~this~~ ~~Directive~~ .

↓ 2007/34/EC recital 4 (adapted)

- (3) ~~It is desirable~~ ~~to take into account the~~ ~~technical requirements adopted by the UN Economic Commission for Europe~~ ~~(UN/ECE)~~ ~~in its corresponding~~ ~~regulations~~ ~~annexed to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (Revised 1958 Agreement)~~⁹ ~~.~~
-

↓

- (4) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex IV, Part B,
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↓ 70/157/EEC
→₁ 96/20/EC Art. 1(1) 1st indent

HAVE ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, ‘vehicle’ means any motor vehicle intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 kilometres per hour, with the exception of vehicles which run on →₁ rails and of agricultural and forestry tractors and all mobile machinery ←.

↓ 99/101/EC (adapted)

Article 2

1. ~~If vehicles or exhaust systems meet the requirements of this Directive,~~ ~~Member States may not, on grounds relating to the permissible sound level or the exhaust system:~~
- (a) refuse to grant EC type-approval or national type-approval in respect of a type of vehicle or a type of exhaust system; ~~or~~ ~~or~~
- (b) ~~refuse~~ ~~the registration~~ ~~or prohibit the~~ ~~sale, entry into service~~ ~~or use~~ ~~of vehicles, or the sale or entry into service of exhaust systems.~~
-

⁹ Published as Annex I to Council Decision 97/836/EC (OJ L 346, 17.12.1997, p. 78).

2. If the requirements of this Directive are not fulfilled , Member States shall, for a type of vehicle and for a type of exhaust system, :

- (a) not grant EC type-approval; and
- (b) refuse to grant national type-approval.

3. Notwithstanding paragraph 2, for the purposes of replacement parts, Member States shall continue to grant EC type-approval and to permit the sale or entry into service of exhaust systems in accordance with versions of Directive 70/157/EEC preceding the version resulting from the amendments introduced by Directive 1999/101/EC , provided that such exhaust systems:

- (a) are intended to be fitted to vehicles already in use; and
- (b) comply with the requirements of that Directive which were applicable when the vehicles were first registered.

↓ 81/334/EEC Art. 1(1) (adapted) → ₁ 96/20/EC Art. 1(1) 2 nd indent
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Article 3

No Member State may, on grounds relating to the permissible sound level or the exhaust system, refuse to grant EC or national type-approval in respect of a component of an exhaust system regarded as a separate technical unit:

- (a) if the vehicle satisfies the requirements of Annex I as regards the sound level and exhaust system;
- (b) if the component of an exhaust system , considered as a separate technical unit within the meaning of →₁ Article 3(25) ← of Directive 2007/46/EC, satisfies the requirements of Annex II to this Directive .

↓ 81/334/EEC Art. 1(2) (adapted) → ₁ 96/20/EC Art. 1(1) 2 nd indent
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Article 4

1. No Member State may, on grounds relating to the permissible sound level or the exhaust system, prohibit the placing on the market of any component of an exhaust system considered as a separate technical unit within the meaning of →₁ Article 3(25) ← of Directive 2007/46/EC if, within the meaning of Article 3 of this Directive , it is of a type in respect of which a type-approval has been granted.

↓ 92/97/EEC (adapted)

2. Member States shall prohibit the initial entry into service of motor vehicles of which the sound level or the exhaust systems do not comply with the requirements set out in this Directive.

↓ 70/157/EEC (adapted)
→₁ 96/20/EC Art. 1(1) 3rd indent
→₂ 81/334/EEC Art. 1(3)

Article 5

The amendments necessary to adapt the requirements of →₁ Annexes I, II and III ← to take account of technical progress, with the exception of the requirements set out under →₂ points 2.1 and 2.2 of Annex I ←, shall be adopted in accordance with the procedure referred to in Article 40(2) of Directive 2007/46/EC .

Article 6

Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

↓

Article 7

Directive 70/157/EEC as amended by the acts listed in Annex IV, Part A is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex IV, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

Article 8

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

Article 9

This Directive is addressed to the Member States.

Done at [...],

For the European Parliament
The President

For the Council
The President

List of Annexes

- ANNEX I: ⊗ Provisions for ⊗ EC type-approval in respect of the sound level of a type of motor vehicle
- Appendix 1:* Information document
- Appendix 2:* ⊗ Model ⊗ EC Type-approval certificate
- ⊗ Addendum to EC type-approval certificate ⊗
- ANNEX II: ⊗ Administrative provisions for ⊗ EC type-approval of exhaust systems as separate technical units ⊗ (replacement exhaust systems) ⊗
- Appendix 1:* Information document
- Appendix 2:* ⊗ Model ⊗ EC Type-approval certificate
- ⊗ Addendum to EC type-approval certificate ⊗
- Appendix 3:* Model for the EC type-approval mark
- ANNEX III: ⊗ Technical requirements ⊗
- ANNEX IV: ⊗ Part A, Repealed Directive with list of its successive amendments / Part B, List of time-limits for transposition into national law and application ⊗
- ⊗ ANNEX V: ⊗ ⊗ Correlation table ⊗
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ANNEX I

PROVISIONS FOR EC TYPE-APPROVAL IN RESPECT OF THE SOUND LEVEL OF A TYPE OF MOTOR VEHICLE

1. APPLICATION FOR EC TYPE-APPROVAL OF A VEHICLE TYPE

- 1.1. The application for EC type-approval pursuant to Article 7(1) and (2) of Directive 2007/46/EC of a vehicle type with regard to its sound level shall be submitted by the vehicle manufacturer.
- 1.2. A model for the information document is given in Appendix 1.
- 1.3. A vehicle representative of the type in respect of which type-approval is sought must be submitted to the technical service responsible for the tests by the vehicle manufacturer.
- 1.4. At the request of the technical service, a specimen of the exhaust system and an engine of at least the same cylinder capacity and rated maximum power as that fitted to the vehicle in respect of which type-approval is sought must also be submitted.

2. SOUND LEVEL OF MOVING VEHICLES

2.1. Limiting values

The sound level measured in accordance with the provisions of Annex III shall not exceed the following limits:

Vehicle categories	Values expressed in dB(A) (decibels(A))
2.1.1. Vehicles intended for the carriage of passengers, and comprising not more than nine seats including the driver's seat	74
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:	
2.1.2.1. with an engine power of less than 150 kW	78
2.1.2.2. with an engine power of not less than 150 kW	80
2.1.3. Vehicles intended for the carriage of passengers and equipped with more than nine seats, including the driver's seat; vehicles intended for the carriage of goods:	
2.1.3.1. with a maximum permissible mass not exceeding 2 tonnes	76
2.1.3.2. with a maximum permissible mass exceeding 2 tonnes but not exceeding 3,5 tonnes	77

2.1.4.	Vehicles intended for the carriage of goods and having a maximum permissible mass exceeding 3,5 tonnes:	
2.1.4.1.	with an engine power of less than 75 kW	77
2.1.4.2.	with an engine power of not less than 75 kW but less than 150 kW	78
2.1.4.3.	with an engine power of not less than 150 kW	80

However

- for vehicles of categories 2.1.1 and 2.1.3, the limit values are increased by 1 dB(A) if they are equipped with a direct injection diesel engine,
- for vehicles with a maximum permissible mass of over two tonnes designed for off-road use, the limit values are increased by 1 dB(A) if their engine power is less than 150 kW and 2 dB(A) if their engine power is 150 kW or more,
- for vehicles in category 2.1.1, equipped with a manually operated gear box having more than four forward gears and with an engine developing a maximum power exceeding 140 kW/t and whose maximum power/maximum mass ratio exceeds 75 kW/t, the limit values are increased by 1 dB(A) if the speed at which the rear of the vehicle passes the line BB' in third gear is greater than 61 km/h.

2.2. Interpretation of results

- 2.2.1. To take account of inaccuracies in the measuring instruments, the result obtained from each measurement is determined by deducting 1 dB(A) from the meter reading.
- 2.2.2. The measurements are considered valid if the difference between two consecutive measurements on the same side of the vehicle does not exceed 2 dB(A).
- 2.2.3. The highest sound level measured shall constitute the test result. Should the result exceed the maximum permissible sound level for the category of vehicle tested by 1 dB(A), two further measurements shall be made at the corresponding microphone position. Three of the four measurements thus obtained at that microphone position must fall within the prescribed limits.

3. MARKINGS

- 3.1. The exhaust and intake system components, excluding fixing hardware and pipes, must bear:
- 3.1.1. the trade mark or name of the manufacturer of the systems and their components;
- 3.1.2. the manufacturer's trade description.
- 3.2. These markings must be clearly legible and indelible, even when the system is fitted to the vehicle.

4. GRANTING OF EC TYPE-APPROVAL OF A VEHICLE TYPE

- 4.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 9(3) and, if applicable, 10(4) of Directive 2007/46/EC shall be granted.
- 4.2. A model for the EC type-approval certificate is given in Appendix 2.
- 4.3. An approval number in accordance with Annex VII to Directive 2007/46/EC shall be assigned to each vehicle type approved. The same Member State shall not assign the same number to another vehicle type.

5. MODIFICATIONS OF THE TYPE AND AMENDMENTS TO APPROVALS

- 5.1. In the case of modifications of the type approved pursuant to this Directive, the provisions of Articles 13 to 16 and Article 17(4) of Directive 2007/46/EC shall apply.

6. CONFORMITY OF PRODUCTION

- 6.1. Measures to ensure the conformity of production shall be taken in accordance with the requirements laid down in Article 12 of Directive 2007/46/EC.
- 6.2. Special provisions:
 - 6.2.1. The tests referred to in point 2.3.5 of Annex X to Directive 2007/46/EC are those laid down in Annex 7 of UN/ECE Regulation No 51 as referred to in Annex III to this Directive.
 - 6.2.2. The frequency of inspections referred to in point 3 of Annex X to Directive 2007/46/EC is normally one every two years.

Appendix 1

Information document No [...] pursuant to Annex I to Council Directive 2007/46/EC¹⁰ relating to EC type-approval of a vehicle with respect to the permissible sound level and the exhaust system (Directive [...]/.../...)

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0. General

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type, if marked on the vehicle (b):
 - 0.3.1. Location of that marking:
- 0.4. Category of vehicle (c):
- 0.5. Name and address of manufacturer:
- 0.8. Address(es) of assembly plant(s):

1. General construction characteristics of the vehicle

- 1.1. Photographs and/or drawings of a representative vehicle:
- 1.3.3. Powered axles (number, position, interconnection):
- 1.6. Position and arrangement of the engine:

2. Masses and dimensions (e) (in kg and mm) (Refer to drawing where applicable)

- 2.4. Range of vehicle dimensions (overall)
 - 2.4.1. For chassis without bodywork
 - 2.4.1.1. Length (j):
 - 2.4.1.2. Width (k):
 - 2.4.2. For chassis with bodywork

¹⁰ The item numbers and footnotes used in this information document correspond to those set out in Annex I to Directive 2007/46/EC. Items not relevant for the purpose of this Directive are omitted.

2.4.2.1. Length (j):

2.4.2.2. Width (k):

2.6. Mass of the vehicle with bodywork in running order, or mass of the chassis with cab if the manufacturer does not fit the bodywork (with standard equipment, including coolant, oils, fuel, tools, spare wheel and driver) (o) (maximum and minimum):

3. Power plant (q)

3.1. Manufacturer:

3.1.1. Manufacturer's engine code: (As marked on the engine, or other means of identification)

3.2. Internal combustion engine

3.2.1.1. Working principle: positive ignition/compression ignition, four stroke/two stroke¹¹

3.2.1.2. Number and arrangement of cylinders:

3.2.1.2.3. Firing order:

3.2.1.3. Engine capacity (s): ... cm³

3.2.1.8. Maximum net power (t): ... kW at ... min⁻¹ (manufacturer's declared value)

3.2.4. Fuel feed

3.2.4.1. By carburettor(s): yes/no¹²

3.2.4.1.2. Type(s):

3.2.4.1.3. Number fitted:

3.2.4.2. By fuel injection (compression ignition only): yes/no¹³

3.2.4.2.2. Working principle: Direct injection/pre-chamber/swirl chamber¹⁴

3.2.4.2.4. Governor

3.2.4.2.4.1. Type:

3.2.4.2.4.2.1. Cut-off point under load: ... min⁻¹

¹¹ Delete as applicable.

¹² Delete as applicable.

¹³ Delete as applicable.

¹⁴ Delete as applicable.

3.2.4.3. By fuel injection (positive ignition only): yes/no¹⁵

3.2.4.3.1. Working principle: Intake manifold (single-/multi-point¹⁶)/direct injection/other (specify)¹⁷

3.2.8. Intake system

3.2.8.4.2. Air filter, drawings; or

3.2.8.4.2.1. Make(s):

3.2.8.4.2.2. Type(s):

3.2.8.4.3. Intake silencer, drawings; or

3.2.8.4.3.1. Make(s):

3.2.8.4.3.2. Type(s):

3.2.9. Exhaust system

3.2.9.2. Description and/or drawing of the exhaust system:

3.2.9.4. Exhaust silencer(s):

For front, centre, rear silencer: construction, type, marking, where relevant for exterior noise: reducing measures in the engine compartment and on the engine:

3.2.9.5. Location of the exhaust outlet:

3.2.9.6. Exhaust silencer containing fibrous materials:

3.2.12.2.1. Catalytic convertor: yes/no¹⁸

3.2.12.2.1.1. Number of catalytic convertors and elements:

3.3. Electric motor

3.3.1. Type (winding, excitation):

3.3.1.1. Maximum hourly output: ... kW

3.3.1.2. Operating voltage: ... V

3.4. Other engines or motors or combinations thereof (particulars regarding the parts of such engines or motors):

¹⁵ Delete as applicable.

¹⁶ Delete as applicable.

¹⁷ Delete as applicable.

¹⁸ Delete as applicable.

4. Transmission (v)

4.2. Type (mechanical, hydraulic, electric, etc.):

4.6. Gear ratios

Gear	Internal gearbox ratios (ratios of engine to gearbox output shaft revolutions)	Final drive ratio(s) (ratio of gearbox output shaft to driven wheel revolutions)	Total gear ratios
Maximum for CVT ¹⁹			
1			
2			
3			
...			
Minimum for CVT ²⁰			
Reverse			

4.7. Maximum vehicle speed (and gear in which this is achieved) (in km/h) (w):

6. Suspension

6.6. Tyres and wheels

6.6.2. Upper and lower limits of rolling radii

6.6.2.1. Axle 1:

6.6.2.2. Axle 2:

6.6.2.3. Axle 3:

6.6.2.4. Axle 4:

etc.

9. Bodywork (not applicable for vehicles of category M₁)

9.1. Type of bodywork:

9.2. Materials used and method of construction

¹⁹ Continuously variable transmission.

²⁰ Continuously variable transmission.

12. Miscellaneous

12.5. Details of any non-engine devices designed to reduce noise (if not covered by other points):

Additional information in the case of off-road vehicles:

1.3. Number of axles and wheels:

2.4.1. For chassis without bodywork

2.4.1.4.1. Approach angle (na): ... degrees

2.4.1.5.1. Departure angle (nb): ... degrees

2.4.1.6. Ground clearance (as defined in point 4.5 of section A of Annex II to Directive 2007/46/EC)

2.4.1.6.1. Between the axles:

2.4.1.6.2. Under the front axle(s):

2.4.1.6.3. Under the rear axle(s):

2.4.1.7. Ramp angle (nc): ... degrees

2.4.2. For chassis with bodywork

2.4.2.4.1. Approach angle (na): ... degrees

2.4.2.5.1. Departure angle (nb): ... degrees

2.4.2.6. Ground clearance (as defined in point 4.5 of section A of Annex II to Directive 2007/46/EC)

2.4.2.6.1. Between the axles:

2.4.2.6.2. Under the front axle(s):

2.4.2.6.3. Under the rear axle(s):

2.4.2.7. Ramp angle (nc): ... degrees

2.15. Hill-starting ability (solo vehicle): ... percent

4.9. Differential lock: yes/no/optional²¹

Date, File

²¹ Delete as applicable.

Appendix 2

MODEL

EC TYPE-APPROVAL CERTIFICATE

(Maximum Format: A4 (210 × 297 mm))

Stamp of administration

Communication concerning the

- type-approval²²
- extension of type-approval²³
- refusal of type-approval²⁴
- withdrawal of type-approval²⁵

of a type of a vehicle/component/separate technical unit²⁶ with regard to Directive [.../.../EEC], as last amended by Directive [.../.../EC].

Type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type if marked on the vehicle/component/separate technical unit^{27 28}
 - 0.3.1. Location of that marking.
- 0.4. Category of vehicle²⁹:
- 0.5. Name and address of manufacturer:

²² Delete as applicable.

²³ Delete as applicable.

²⁴ Delete as applicable.

²⁵ Delete as applicable.

²⁶ Delete as applicable.

²⁷ Delete as applicable.

²⁸ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by the type-approval certificate such characters shall be represented in the documentation by the symbol: ‘?’ (e.g. ABC??123??).

²⁹ As defined in section (A) of Annex II to Directive 2007/46/EC.

- 0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:
- 0.8. Address(es) of assembly plant(s)

SECTION II

1. Additional information (where applicable): See Addendum
 2. Technical service responsible for carrying out the tests:
 3. Date of test report:
 4. Number of test report:
 5. Remarks (if any): See Addendum
 6. Place:
 7. Date:
 8. Signature:
 9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.
-

Addendum to EC type-approval certificate No [...]

concerning the type-approval of a vehicle with regard to Directive [.../.../...]

1. Additional information:
 - 1.1. If necessary, list of vehicles covered by point 3.1.2.3.2.3. of Annex III of UN/ECE Regulation No 51:
 - 1.2. Engine
 - 1.2.1. Manufacturer:
 - 1.2.2. Type:
 - 1.2.3. Model:
 - 1.2.4. Rated maximum power ... kW at ... min⁻¹
 - 1.3. Transmission: non-automatic gearbox/automatic gearbox³⁰
 - 1.3.1. Number of gears:
 - 1.4. Equipment
 - 1.4.1. Exhaust silencer:
 - 1.4.1.1. Manufacturer:
 - 1.4.1.2. Model:
 - 1.4.1.3. Type: ... in accordance with drawing No: ...
 - 1.4.2. Intake silencer
 - 1.4.2.1. Manufacturer:
 - 1.4.2.2. Model:
 - 1.4.2.3. Type: ... in accordance with drawing No: ...
 - 1.5. Tyre size:
 - 1.5.1. Description of tyre type used for type-approval testing:

³⁰ Delete as applicable.

1.6. Measurements

1.6.1. Sound level of moving vehicle:

Measurement results			
	Left-hand side dB(A) ³¹	Right-hand side dB(A) ³²	Position of gear lever
first measurement			
second measurement			
third measurement			
fourth measurement			

Test result: ... dB(A)/E³³

1.6.2. Sound level of stationary vehicle:

Measurement results		
	dB(A)	Engine
first measurement		
second measurement		
third measurement		

Test result: ... dB(A)/E³⁴

³¹ The measurement values are given with the 1 dB(A) deduction in accordance with provisions of point 2.2.1 of Annex I.

³² The measurement values are given with the 1 dB(A) deduction in accordance with provisions of point 2.2.1 of Annex I.

³³ 'E' indicates that the measurements in question were conducted in accordance with this Directive.

³⁴ 'E' indicates that the measurements in question were conducted in accordance with this Directive.

1.6.3. Sound level of compressed air noise:

Measurement results		
	Left-hand side dB(A) ³⁵	Right-hand side dB(A) ³⁶
first measurement		
second measurement		
third measurement		
fourth measurement		
Test result: ... dB(A)		

5. Remarks:

³⁵ The measurement values are given with the 1 dB(A) deduction in accordance with provision of point 2.2.1 of Annex I.

³⁶ The measurement values are given with the 1 dB(A) deduction in accordance with provision of point 2.2.1 of Annex I.

ANNEX II

ADMINISTRATIVE PROVISIONS FOR EC TYPE-APPROVAL OF EXHAUST SYSTEMS AS SEPARATE TECHNICAL UNITS (REPLACEMENT EXHAUST SYSTEMS)

1. APPLICATION FOR EC TYPE-APPROVAL

- 1.1. The application for EC type-approval pursuant to Article 7(1) and (2) of Directive 2007/46/EC in respect of a replacement exhaust system or component thereof as a separate technical unit shall be submitted by the vehicle manufacturer or the manufacturer of the separate technical unit in question.
- 1.2. A model for the information document is given in Appendix 1.
- 1.3. At the request of the technical service concerned, the applicant must submit:
 - 1.3.1. two examples of the system in respect of which application for EC type-approval has been made,
 - 1.3.2. an exhaust system of the type originally fitted to the vehicle when EC type-approval was granted,
 - 1.3.3. a vehicle representative of the type to which the system is to be fitted, which meets the requirements of point 4.1 of Annex 7 of UN/ECE Regulation No 51 as referred to in Annex III to this Directive.
 - 1.3.4. a separate engine corresponding to the type of vehicle described above.

2. MARKINGS

- 2.4.1. The replacement exhaust system or its components, excluding fixing hardware and pipes must bear:
 - 2.4.1.1. the trademark or trade name of the manufacturer of the replacement system and its components,
 - 2.4.1.2. the manufacturer's trade description,
- 2.4.2. These marks must be clearly legible and indelible, even when the system is fitted to the vehicle.

3. GRANTING OF EC TYPE-APPROVAL

- 3.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 9(3) and, if applicable, Article 10(4) of Directive 2007/46/EC shall be granted.
- 3.2. A model for the EC type-approval certificate is given in Appendix 2.

- 3.3. A type-approval number in accordance with Annex VII to Directive 2007/46/EC shall be assigned to each type of replacement exhaust system or component thereof approved as a separate technical unit; section 3 of the type-approval number shall indicate the number of the amending Directive which was applicable at the time of the vehicle type-approval. The same Member State shall not assign the same number to another type of replacement exhaust system or component thereof.

4. EC TYPE-APPROVAL MARK

- 4.1. Every replacement exhaust system or component thereof, excluding fixing hardware and pipes, conforming to a type approved under this Directive shall bear an EC type-approval mark.

- 4.2. The EC type-approval mark shall consist of a rectangle surrounding the lower case letter 'e' followed by the distinguishing number of the Member State which has granted the approval:

'1' for Germany

'2' for France

'3' for Italy

'4' for the Netherlands

'5' for Sweden

'6' for Belgium

'7' for Hungary

'8' for the Czech Republic

'9' for Spain

'11' for the United Kingdom

'12' for Austria

'13' for Luxembourg

'17' for Finland

'18' for Denmark

'19' for Romania

'20' for Poland

'21' for Portugal

'23' for Greece

'24' for Ireland

'26' for Slovenia

‘27’ for Slovakia

‘29’ for Estonia

‘32’ for Latvia

‘34’ for Bulgaria

‘36’ for Lithuania

‘49’ for Cyprus

‘50’ for Malta

It must also include in the vicinity of the rectangle the ‘base approval number’ contained in section 4 of the type-approval number referred to in Annex VII to Directive 2007/46/EC, preceded by the two figures indicating the sequence number assigned to the most recent major technical amendment to Directive 70/157/EEC which was applicable at the time of the vehicle type-approval. For Directive 70/157/EEC, the sequence number is 00; for Directive 77/212/EEC the sequence number is 01; for Directive 84/424/EEC the sequence number is 02; for Directive 92/97/EEC and Directive \boxtimes 2007/34/EC \boxtimes the sequence number is 03. Sequence number 03 reflects as well the technical requirements of the 00 series of amendments of UN/ECE Regulation No 59.

4.3. The mark must be clearly legible and indelible even when the replacement exhaust system or component thereof is fitted to the vehicle.

4.4. An example of the EC type-approval mark is shown in Appendix 3.

5. MODIFICATION OF THE TYPE AND AMENDMENTS TO APPROVALS

5.1. In the case of modifications of the type approved pursuant to this Directive, the provisions of Articles 13 to 16 and Article 17(4) of Directive 2007/46/EC shall apply.

6. CONFORMITY OF PRODUCTION

6.1. Measures to ensure the conformity of production shall be taken in accordance with the requirements laid down in Article 12 to Directive 2007/46/EC.

6.2. Special provisions:

6.2.1. The tests referred to point 2.3.5 of Annex X to Directive 2007/46/EC are those prescribed in Annex 5 of UN/ECE Regulation No 59 as referred to in Annex III to this Directive.

6.2.2. The frequency of inspections referred to in point 3 of Annex X to Directive 2007/46/EC is normally one every two years.

Appendix 1

Information Document No [...] relating to EC type-approval as separate technical unit of exhaust systems for motor vehicles (Directive [...]/.../...)

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0. General

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.5. Name and address of manufacturer:
- 0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:
- 0.8. Address(es) of assembly plant(s):

1. Description of the vehicle for which the device is intended (if the device is intended to be fitted to more than one vehicle type the information requested under this point shall be supplied for each type concerned)

- 1.1. Make (trade name of manufacturer):
- 1.2. Type and general commercial description(s):
- 1.3. Means of identification of type, if marked on the vehicle:
- 1.4. Category of vehicle:
- 1.5. EC type-approval number with regard to sound level:
- 1.6. All the information mentioned in points 1.1 to 1.5 of the type-approval certificate concerning the vehicle (Annex I, Appendix 2 to this Directive):

2. Description of the device

- 2.1. A description of the replacement exhaust system indicating the relative position of each system component, together with mounting instructions:
- 2.2. Detailed drawings of each component, so that they can be easily located and identified, and reference to the materials used. These drawings must indicate the place provided for the compulsory affixing of the EC type-approval mark:

Date, File

Appendix 2

MODEL

EC TYPE-APPROVAL CERTIFICATE

(Maximum Format: A4 (210 × 297 mm))

Stamp of administration

Communication concerning the

- type-approval³⁷
- extension of type-approval³⁸
- refusal of type-approval³⁹
- withdrawal of type-approval⁴⁰

of a type of a vehicle/component/separate technical unit⁴¹ with regard to Directive [.../.../EEC], as last amended by Directive [.../.../EC].

Type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type if marked on the vehicle/component/separate technical unit^{42 43}:
 - 0.3.1. Location of that marking:
- 0.4. Category of vehicle⁴⁴:
- 0.5. Name and address of manufacturer:

³⁷ Delete as applicable.

³⁸ Delete as applicable.

³⁹ Delete as applicable.

⁴⁰ Delete as applicable.

⁴¹ Delete as applicable.

⁴² Delete as applicable.

⁴³ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by the type-approval certificate such characters shall be represented in the documentation by the symbol: ‘?’ (e.g. ABC??123??).

⁴⁴ As defined in section (A) of Annex II to Directive 2007/46/EC.

- 0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:
- 0.8. Address(es) of assembly plant(s):

SECTION II

1. Additional information (where applicable): See Addendum
 2. Technical service responsible for carrying out the tests:
 3. Date of test report:
 4. Number of test report:
 5. Remarks (if any): See Addendum
 6. Place:
 7. Date:
 8. Signature:
 9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.
-

Addendum to EC type-approval certificate No [...]

concerning the separate technical unit type-approval of exhaust systems for motor vehicles with regard to Directive [.../.../...]

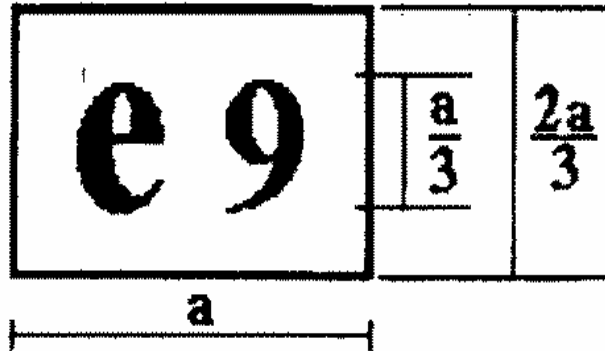
1. Additional information
 - 1.1. Composition of the separate technical unit:
 - 1.2. Trademark or trade name of the type(s) of motor vehicle to which the silencer is to be fitted⁴⁵
 - 1.3. Type(s) of vehicle and its/their type-approval number(s):
 - 1.4. Engine
 - 1.4.1. Type (positive ignition, diesel):
 - 1.4.2. Cycles: two-stroke, four-stroke:
 - 1.4.3. Total cylinder capacity:
 - 1.4.4. Rated maximum engine power ... kW at ... min⁻¹
 - 1.5. Number of gear ratios:
 - 1.6. Gear ratios employed:
 - 1.7. Drive-axle ratios(s):
 - 1.8. Sound-level values:
moving vehicle: ... dB(A), speed stabilised before acceleration at ... km/h;
stationary vehicle: ... dB(A), at ... min⁻¹
 - 1.9. Value of the back pressure:
 - 1.10. Any restrictions in respect of use and mounting requirements:
2. Remarks:

⁴⁵ If several types are indicated, points 1.3 to 1.10 inclusive must be completed in respect of each type.

Appendix 3

Model for the EC type-approval mark

a \geq 12mm



030148 $\frac{a}{3}$

The exhaust system or component thereof bearing the above EC type-approval mark is a device which has been approved in Spain (e 9) pursuant to Directive 92/97/EEC (03) under the base approval number 0148.

The figures used are only indicative.

ANNEX III

⊗ TECHNICAL REQUIREMENTS ⊗

1. The technical requirements are those set out in:
 - (a) points 2, 6.1, 6.2.1 and 6.3 of UN/ECE Regulation No 51⁴⁶ and Annexes 3 to 10 thereto;
 - (b) points 2 and 6 of UN/ECE Regulation No 59⁴⁷ and Annexes 3 to 5 thereto.
2. For the purposes of the application of the provisions referred to in point 1, the following shall apply:
 - (a) ‘Unladen vehicle’ means a vehicle the mass of which is described in point 2.6 of Appendix 1 of Annex I to this Directive, without driver;
 - (b) ‘Communication form’ shall be understood as type-approval-certificate set out in Appendix 2 of Annexes I and II;
 - (c) ‘Contracting Parties to the respective regulations’ shall be understood as Member States;
 - (d) references to Regulation No 51 and Regulation No 59 shall be construed as references to Directive [.../.../...];
 - (e) footnote 1 in point 2.2.6 shall be understood as follows: ‘For definitions of the categories, see Annex II A to Directive 2007/46/EC’.

⁴⁶ OJ L 137, 30.5.2007, p. 68.

⁴⁷ OJ L 326, 24.11.2006, p. 43.



ANNEX IV

Part A

Repealed Directive with list of its successive amendments (referred to in Article 7)

Council Directive 70/157/EEC
(OJ L 42, 23.2.1970, p. 16)

Point X.3 of Annex I to the 1972 Act of Accession
(OJ L 73, 27.3.1972, p. 14)

Commission Directive 73/350/EEC
(OJ L 321, 22.11.1973, p. 33)

Council Directive 77/212/EEC
(OJ L 66, 12.3.1977, p. 33)

Commission Directive 81/334/EEC
(OJ L 131, 18.5.1981, p. 6)

Commission Directive 84/372/EEC
(OJ L 196, 26.7.1984, p. 47)

Council Directive 84/424/EEC
(OJ L 238, 6.9.1984, p. 31)

Point IX.4 of Annex I to the 1985 Act of Accession
(OJ L 302, 15.11.1985, p. 23)

Council Directive 87/354/EEC
(OJ L 192, 11.7.1987, p. 43)

only Point 1 of the Annex

Commission Directive 89/491/EEC
(OJ L 238, 15.8.1989, p. 43)

only the first indent of Article 1
and Annex I

Council Directive 92/97/EEC
(OJ L 371, 19.12.1992, p. 1)

Point XI.C.I.2 of Annex I to the 1994 Act of
Accession
(OJ C 241, 29.8.1994, p. 21)

Commission Directive 96/20/EC
(OJ L 92, 13.4.1996, p. 23)

Commission Directive 1999/101/EC
(OJ L 334, 28.12.1999, p. 41)

Point 1.A.2 of Annex II to the 2003 Act of Accession
(OJ L 236, 23.9.2003, p. 56)

Council Directive 2006/96/EC
(OJ L 363, 20.12.2006, p. 81)

only Point A.2 of the Annex

Commission Directive 2007/34/EC
(OJ L 155, 15.6.2007, p. 49)

Part B

List of time-limits for transposition into national law and application (referred to in Article 7)

Directive	Time-limit for transposition	Date of application
70/157/EEC	10 August 1971	—
73/350/EEC	28 February 1974 ⁽¹⁾	—
77/212/EEC	1 April 1977 ⁽²⁾	—
81/334/EEC	1 January 1982 ⁽³⁾	—
84/372/EEC	30 September 1984 ⁽⁴⁾	—
84/424/EEC	31 December 1984 ⁽⁵⁾	—
87/354/EEC	31 December 1987	—
89/491/EEC	1 January 1990	—
92/97/EEC	30 June 1993 ⁽⁶⁾	—
96/20/EC	30 September 1996 ⁽⁷⁾	—
1999/101/EC	31 March 2000 ⁽⁸⁾	1 April 2000
2006/96/EC	31 December 2006	—
2007/34/EC	5 July 2008	6 July 2008

⁽¹⁾ In conformity with Article 2(1), (2) and (3) of Directive 73/350/EEC:

"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."

(²) In conformity with Article 2 of Directive 77/212/EEC:

"1. With effect from 1 April 1977, no Member State shall, on grounds relating to the noise level and the exhaust system:

- refuse EEC type-approval, or issue of the document referred to in Article 10 (1), third indent, of 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, as amended by the Act of Accession, or national type-approval for any type of motor vehicle,
- or prohibit the initial entry into service of vehicles,

if the noise level and the exhaust system of such type of vehicle or vehicles satisfy the requirements of Directive 70/157/EEC, as amended by the present Directive.

2. With effect from 1 April 1980, Member States:

- shall no longer issue the document provided for in Article 10 (1), third indent, of Directive 70/156/EEC for a type of vehicle whose noise level and exhaust system do not satisfy the requirements of Directive 70/157/EEC, as amended by the present Directive,
- may refuse national type-approval for a type of vehicle whose noise level and exhaust system do not satisfy the requirements of Directive 70/157/EEC, as amended by the present Directive.

However, for vehicles in category I.1.6 as shown in the table in Article 1, the date '1 April 1980' shall be replaced by the date '1 April 1982'.

3. With effect from 1 October 1982, Member States may prohibit the initial entry into service of vehicles whose noise level and exhaust system do not satisfy the requirements of Directive 70/157/EEC, as amended by the present Directive."

(³) In conformity with Article 2 of Directive 81/334/EEC:

"1. With effect from 1 January 1982, no Member State may, on grounds relating to the permissible sound level and the exhaust system:

- refuse 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, in respect of a 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 the vehicles concerned, comply with the provisions of Directive 70/157/EEC, as amended by the present Directive.

2. With effect from 1 October 1984, a Member State:

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

3. With effect from 1 October 1985, Member States may prohibit the entry into service of vehicles in which the sound level and exhaust system do not comply with the provisions of Directive 70/157/EEC, as amended by the present Directive."

(⁴) In conformity with Article 2 of Directive 84/372/EEC:

"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,
- may refuse to grant national type-approval 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.

3. With effect from 1 October 1986, Member States may prohibit the entry into service of vehicles of which the sound level and exhaust system do not comply with the provisions of Directive 70/157/EEC, as amended by this Directive."

(⁵) In conformity with Article 2 of Directive 84/424/EEC:

"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 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, as last amended by Directive 80/1267/EEC, 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 provisions of Directive 70/157/EEC as amended by this Directive.

2. With effect from 1 October 1988, 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 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, '1 October 1988' is replaced by '1 October 1989'.

3. With effect from 1 October 1989, 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, '1 October 1989' is replaced by '1 October 1990'."

(⁶) (a) In conformity with Article 2 of Directive 92/97/EEC:

"1. With effect from 1 July 1993, 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 last indent of Article 10 (1) of Directive 70/156/EEC, or to grant national type-approval,
- or
- prohibit the initial 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 requirements of Directive 70/157/EEC as amended by this Directive.

2. With effect from 1 October 1995, Member States:

- may no longer grant EEC type-approval or 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,
- must refuse to grant national type-approval in respect of a type of motor vehicle,

of which the sound level and the exhaust system do not comply with the requirements set out in the Annexes to Directive 70/157/EEC as amended by this Directive.

3. With effect from 1 October 1996, Member States shall prohibit the initial entry into service of motor vehicles of which the sound level and the exhaust systems do not comply with the requirements set out in the Annexes to Directive 70/157/EEC as amended by this Directive."

(⁶) (b) In conformity with Article 3 of Directive 92/97/EEC:

"Member States may make provision for tax incentives only in respect of motor vehicles which comply with this Directive. Such incentives must comply with the provisions of the Treaty and, in addition, must meet the following conditions:

- they must apply to all nationally-manufactured motor vehicles and all imported vehicles which are offered for sale on the market of a Member State and which meet, in advance, the requirements of this Directive due to be complied with in 1995,

- they shall be terminated with effect from the mandatory application of the sound level values laid down in Article 2 (3) for new motor vehicles,
- in respect of each type of motor vehicle, they must represent an amount substantially below the additional cost of the technical solutions introduced to ensure compliance with the established values and of their installation on the vehicle.

The Commission must be informed in good time of plans to institute or change tax incentives as referred to in the first subparagraph. The Commission must give its consent before such incentives are put into effect and must, in particular, take into account the impact of such incentives on the internal market."

(⁷) In conformity with Article 2 of Directive 96/20/EC:

"1. With effect from 1 October 1996 Member States may not, on grounds relating to the permissible sound level or the exhaust system:

- refuse, in respect of a type of vehicle or a type of exhaust system, to grant EC type-approval or national type-approval, or
- prohibit the registration, sale or entry into service of vehicles, or the sale or entry into service of exhaust systems,

if the vehicles or exhaust systems comply with the requirements of Directive 70/157/EEC, as amended by this Directive.

2. With effect from 1 January 1997 Member States:

- shall no longer grant EC type-approval, and
- shall refuse to grant national type-approval,

for a type of vehicle on grounds relating to its permissible sound level and for a type of exhaust system, if the requirements of Directive 70/157/EEC, as amended by this Directive, are not fulfilled.

3. Notwithstanding paragraph 2, for the purposes of replacement parts, Member States shall continue to grant EC type-approval, and to permit the sale and entry into service, of exhaust systems in accordance with previous versions of Directive 70/157/EEC provided that such exhaust systems:

- are intended to be fitted to vehicles already in use, and
- comply with the requirements of that Directive which were applicable when the vehicles were first registered."

(⁸) In conformity with Article 2 of Directive 1999/101/EC:

"1. With effect from 1 April 2000, Member States may not, on grounds relating to the permissible sound level or the exhaust system:

- refuse to grant EC type-approval or national type-approval in respect of a type of vehicle or a type of exhaust system,
- or
- prohibit the registration, sale or entry into service of vehicles, or the sale or entry into service of exhaust systems,

if the vehicles or exhaust systems meet the requirements of Directive 70/157/EEC, as amended by this Directive.

2. With effect from 1 October 2000, Member States:

- shall no longer grant EC type-approval,
and
- shall refuse to grant national type-approval

for a type of vehicle and for a type of exhaust system, if the requirements of Directive 70/157/EEC, as amended by this Directive, are not fulfilled.

3. Notwithstanding paragraph 2, for the purposes of replacement parts, Member States shall continue to grant EC type-approval, and to permit the sale or entry into service, of exhaust systems in accordance with previous versions of Directive 70/157/EEC, provided that such exhaust systems:

- are intended to be fitted to vehicles already in use,
and

comply with the requirements of that directive which were applicable when the vehicles were first registered."

ANNEX V

CORRELATION TABLE

Directive 70/157/EEC	This Directive
Article 1	Article 1
—	Article 2
Article 2, introductory phrase	Article 3, introductory phrase
Article 2, first indent	Article 3, point (a)
Article 2, second indent	Article 3, point (b)
Article 2a(1)	—
Article 2a(2)	Article 4(1)
—	Article 4(2)
Article 3	Article 5
Article 4(1)	—
Article 4(2)	Article 6
—	Article 7
—	Article 8
Article 5	Article 9
Annexes I, II and III	Annexes I, II and III
—	Annex IV
—	Annex V