



Brussels, **XXX**
[...] (2015) **XXX** draft

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

of **XXX**

**amending Regulation (EU) No 540/2014 of the European Parliament and of the Council
as regards the Acoustic Vehicle Alerting System requirements for vehicle EU-type
approval**

(Text with EEA relevance)

This document does not represent an official position of the European Commission. It is a tool to explore the views of interested parties. The suggestions contained in this document do not prejudge the form and content of any possible future proposal by the European Commission.

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 at the warning of vulnerable road users for their safety towards the presence of such vehicles.

It is now necessary to detail and thus improve the AVAS requirements in Regulation (EU) No 540/2014 by taking into account the work at UNECE level, which resulted recently to the UN Regulation No 138 on the approval of QRTV. At the same time, the Commission shall fulfil the legislative obligation of detailing the AVAS requirements, as this is stated in Article 8 of Regulation (EU) No 540/2014.

This act aims at amending Annex VIII of Regulation (EU) No 540/2014 with AVAS technical requirements and test procedures, by referring 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.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

(a) Legal basis

The legal basis of this delegated act is 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.

(b) Choice of instruments

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

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)

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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/EEC², and in particular Article 8 thereto,

Whereas:

- (1) Regulation (EU) No 540/2014 empowers the Commission to adopt delegated acts in order to review its Annex VIII on the measures concerning the Acoustic Vehicle Alerting System (AVAS).
- (2) Following the recent work developed in the framework of the World Forum for Harmonization of Vehicle Regulations (WP29) of the United Nations Economic Commission for Europe (UNECE), Annex VIII to Regulation (EU) No 540/2014 should be reviewed in order to improve the accuracy of the AVAS requirements on type and volume of emitted sound, the sound generation method, the pause switch and stationary sound.
- (3) In addition, it is necessary for the approval of hybrid electric and pure electric vehicles, which are equipped with AVAS, to introduce testing requirements on the AVAS sound emission minimum levels in forward and reverse motion as well as on the emitted sound frequency shift.
- (4) The EU and the Member States voted in favour of the UN Regulation 138 on the approval of quiet road transport vehicles (QRTV) at the 168th session of the UNECE World Forum for Harmonization of Vehicle Regulations, 8 – 11 March 2016.
- (5) Regulation (EU) No 540/2014 should therefore be amended accordingly.
- (6) Given that Regulation (EU) No 540/2014 is already applicable and that the amendments to this act include significant improvements, this Regulation should enter into force as soon as possible.

² OJ L 158, 27.5.2014, p. 131.

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) No 540/2014

Annex VIII to Regulation (EU) No 540/2014 is amended in accordance with the Annex to this Regulation.

Article 2
Entry into force

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,

For the Commission
The President
Jean-Claude Juncker