



European Communities

EUROPEAN PARLIAMENT

WORKING DOCUMENTS

English Edition

1985-86

JUL 10 1985

2 April 1985

DOCUMENT A 2-11/85

REPORT

drawn up on behalf of the Committee on the
Environment, Public Health and Consumer Protection

on the proposal from the Commission of the
European Communities to the Council
(COM(83) 706 final - Doc. 1-1241/83)
for a Council directive on the approximation
of the Laws of the Member States relating
to the noise emission of rail-mounted vehicles

Rapporteur: Mr A. BONACCINI

PE 95.889/fin.

Or. Fr.

Fr.-pm.drhp.

By letter of 21 December 1983 the President of the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Article 100 of the EEC Treaty, 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 noise emission of rail-mounted vehicles.

On 18 September 1984 the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Transport for an opinion.

At its meeting of 20 September 1984, the Committee on the Environment, Public Health and Consumer Protection appointed Mr BONACCINI rapporteur.

The committee considered the Commission's proposal and the draft report at its meetings of 28 January 1985, 28 February 1985 and 21 March 1985.

At the last meeting the committee decided by 17 votes in favour and 2 abstentions to recommend to Parliament that it approve the Commission's proposal with the attached amendments.

The committee then adopted the motion for a resolution as a whole by 17 votes in favour and 2 abstentions.

The following took part in the vote: Mrs Weber, chairman; Mr Bonaccini, rapporteur; Mr Alber, Mrs Banotti, Mr Bombard, Mr Elliott (deputizing for Mr Collins), Mr Falconer (deputizing for Mr Hughes), Mr Fitzsimons (deputizing for Mrs Dupuy), Mrs Lentz-Cornette, Mrs Maij-Weggen (deputizing for Mr Michelini), Mr Mertens, Mr Muntingh, Mr Pearce, Mrs Peus (deputizing for Mr Parodi), Mrs Rothe (deputizing for Mr Tognoli), Mr Sherlock, Ms Tongue, Mrs Van Hemeldonck (deputizing for Mr Schmid) and Mr Vittinghoff.

The explanatory statement will be presented orally by the rapporteur.

The report was tabled on 28 March 1985.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following amendments to the Commission's proposal and motion for a resolution together with explanatory statement:

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 noise emission of rail-mounted vehicles

Text proposed by the Commission
of the European Communities

Amendments tabled by the Committee
on the Environment, Public Health
and Consumer Protection

Preamble and recitals unchanged

ARTICLE 1

1. This directive applies to rail-mounted vehicles intended to circulate on the national railway networks of the Member States, for the carriage of passengers and goods.

Amendment No. 1

ARTICLE 1

1.
delete the word 'national'

Paragraphs 2 and 3 unchanged

Article 2 unchanged

ARTICLE 3

Each type of rail-mounted vehicle shall, on application by the manufacturer or his authorized representative in the Community, be examined in accordance with Annex I by a body approved for this purpose by a Member State.

Amendment No. 2

ARTICLE 3 paragraph 1 to be amended
as follows:

Each type of rail-mounted vehicle intended to be put into service shall, on application by the manufacturer or his authorized representative in the Community, be examined, prior to being put into operation or use, in accordance with Annex I by a body approved for this purpose by a Member State.

Text proposed by the Commission
of the European Communities

Amendments tabled by the Committee
on the Environment, Public Health
and Consumer Protection

For any one type of rail-mounted vehicle, the application shall be submitted to only one approved body, which shall issue a report on the measurement results in accordance with the model given in Annex III.

For each rail-mounted vehicle manufactured in conformity with the approved type, a certificate of conformity in accordance with the model given in Annex IV shall be made out by the manufacturer or his authorized representative in the Community where the noise level values in the report satisfy the requirements of this directive.

ARTICLE 4 unchanged

Amendment No. 3

ARTICLE 5

ARTICLE 5

1. Member States may not refuse, prohibit or restrict on the grounds of noise emission levels the marketing or utilization of rail-mounted vehicles for which a certificate of conformity has been issued.

Text proposed by the Commission
of the European Communities

Amendments tabled by the Committee
on the Environment, Public Health
and Consumer Protection

2. Conditions of use of rail-mounted vehicles shall, to the extent to which they are not covered by other Community provisions, continue to be covered by the laws, regulations and administrative provisions of the country where they are used.

Add a new paragraph 3 as follows:

3. From 1 January 1989 an operating permit shall no longer be granted for rail-mounted vehicles for which no certificate of conformity has been issued.

Amendment No. 4

ARTICLE 6

If a Member State detects an instance in which a rail-mounted vehicle for which a certificate of conformity has been issued is not in conformity with the requirements laid down in this directive, it shall take the necessary measures to ensure conformity. Such measures may extend to the withdrawal of the certificate of conformity. The Member State concerned shall, within one month, inform the other Member States of the action it has taken, giving the grounds therefor.

ARTICLE 6

This paragraph to be paragraph 1.

1. If a Member State detects an instance
.....

Text proposed by the Commission
of the European Communities

ARTICLE 7

If a Member State challenges an instance of non-conformity of which it has been informed, the Member States concerned shall endeavour to settle the dispute. The Commission shall be kept informed. Where necessary, the Commission shall hold appropriate consultations with a view to resolving the matter.

ARTICLES 8, 9 and 10 unchanged

ARTICLE 11

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this directive before 1 January 1985.

Amendments tabled by the Committee
on the Environment, Public Health
and Consumer Protection

Add a new paragraph 2 as follows:

2. From 1 January 1989 the operating permit of rail-mounted vehicles from which the certificate of conformity has previously been withdrawn must also be withdrawn if the deficiency has not been rectified within a period of 6 months.

Amendment No. 5

ARTICLE 7

To be amended as follows:

If a Member State challenges an instance of non-conformity of which it has been informed, the Member States directly concerned shall endeavour to settle the dispute. The Commission shall be kept informed. Where necessary, the Commission shall hold appropriate consultations with a view to resolving the matter.

Amendment No. 6

ARTICLE 11

To be amended as follows:

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this directive before 1 January 1988.

Text proposed by the Commission
of the European Communities

2. Member States shall communicate to the Commission the texts of the provisions which they adopt in the field covered by this directive.

Amendments tabled by the Committee
on the Environment, Public Health
and Consumer Protection

2. Member States shall communicate to the Commission the texts of the provisions which they adopt in the field covered by this directive.

ARTICLE 12 unchanged.

MOTION FOR A RESOLUTION

closing the procedure for consulting 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 noise emission of rail-mounted vehicles

The European Parliament,

- having regard to the proposal from the Commission to the Council¹,
 - having been consulted by the Council pursuant to Article 100 of the Treaty establishing the EEC (Doc. 1-1241/83),
 - having regard to the report by the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Transport (Doc. A 2-11/85),
 - having regard to the opinion of the Economic and Social Committee²,
 - having regard to the result of the vote on the Commission's proposal,
- A. having regard to the increasing need for concerted action to combat noise pollution, a growing source of discomfort and nuisance,
 - B. whereas noise is also a cause of, or more specifically a contributing or aggravating factor in, many illnesses,
 - C. having regard to the inadequacy of relevant legislation or administrative procedures in the various Member States,
 - D. having regard to the steadily increasing importance of the transport of persons and goods by rail and the railway network in the Community,
 - E. whereas a more consistent anti-pollution policy for rail traffic would enhance its development, particularly in view of the present and future progress of transport technology,
 - F. having regard to the modest nature of the standards introduced in Directive COM(83) 706 final, whose fundamental importance consists in establishing the initial steps to be taken with regard to anti-noise policy in the railway sector,
 - G. whereas it is likely to lead to further steps and a process of harmonization in this field,
 - H. whereas, finally, the essential basis and criterion must be the right of all citizens to silence or at least to a noise level which does not constitute a nuisance,
1. Welcomes the stated aims of the Commission's proposal, namely the reduction of environmental noise and the avoidance of technical barriers to trade;

¹ OJ No. C 354, 29.12.83, p.4

² OJ No. C 206, 6.8.84

2. Draws attention however to the fact that railway noise is due to three separate factors, namely
 - the power units of railway vehicles,
 - the interaction of railway vehicles with the railway track,
 - the topography of the region through which the railway line runs;
3. Draws attention, therefore, to the fact that intervention at source must be suitably combined with other measures involving the actual structure of the railway lines: frequent maintenance work to remedy the unevenness of the track, connecting rails by means of welding instead of joints, reducing the loudest noise produced on metal bridges and inside tunnels, introducing a general system of setting sleepers in concrete and ballast, paving the roadway with a flexible material, putting disc brakes into general use and any other aids technology and research have to offer;
4. Points out that, when it is not possible to take preventive action in the form of reorganization connected with town planning, where railway lines approach or go through built-up areas, adequate shielding and other noise barriers must be provided and buildings near the track must be soundproofed, this being particularly essential in the vicinity of railway stations, in view of the disturbing noises they generate;
5. Instructs the Commission to organize special research on aerodynamically generated noise, in particular connected with the use of high-speed trains and fast railway track;
6. Instructs its President to forward this resolution to the Commission, the Council and the governments of the Member States, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

OPINION OF THE COMMITTEE ON TRANSPORT

Letter from Mr ANASTASSOPOULOS, chairman of the Committee on Transport to Mrs WEBER, chairman of the Committee on the Environment, Public Health and Consumer Protection

Subject: Proposal for a Council directive on the noise emission of rail-mounted vehicles (COM(83) 706 final - Doc. 1-1241/83)

The Committee on Transport considered the above proposal from the Commission at its meeting of 29/30 October 1984.

The committee welcomes the proposed directive, which is designed to reduce the noise caused by railway traffic and ensure that the noise emission limits contained therein are uniformly applied in the Member States of the Community, and would point out that similar provisions have been adopted to combat noise emissions from other forms of transport, e.g. the Council Directive of 21 April 1983 amending Directive 80/51/EEC on the limitation of noise emissions from subsonic aircraft¹.

The committee also considers that other modes of transport, particularly aeroplanes and certain types of road vehicle, create more noise pollution and further considers that distortions of competition between different modes of transport should be avoided.

While endorsing this set of proposals, the Committee on Transport is aware of the restraints that the proposed measures would place on railway undertakings and thus, in order to safeguard efficiency, would like your committee to endorse the following two amendments:

- Amendment No. 1

Paragraph 1 of Article 1 to read as follows:

- '1. This Directive applies to rail-mounted vehicles intended to circulate on the national railway networks of the Member States, for the carriage of passengers and goods, which enter service after the entry into force of this Directive.'

¹ OJ No. L 117, 4.5.83, p.15

- Amendment No. 2

Paragraph 2 of Annex II to read as follows:

'The values of the maximum permissible sound pressure levels for noise from rail-mounted vehicles in movement vary linearly between:

80 dB(A) and 99 dB(A) for coaches and traction units

83 dB(A) and 97.5 dB(A) for wagons ...'

(rest unchanged)

The first amendment, restricting the field of application of the directive to new vehicles only, is warranted because it would spare railway undertakings the task of carrying out costly conversion work on rolling-stock already in service or of withdrawing such rolling-stock from service. It should be emphasized that the Council advocated such an approach for road vehicles, as can be seen in its Directive 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 for the second amendment, I would point out that the chairman of the Group of Railway Companies of the Ten Countries of the European Communities informed me by letter of 5 April 1984 that the absolute limit values for noise emissions by rail-mounted vehicles in movement were set at 99 and 97.5 dB(A) respectively in November 1981. Without the Group being consulted, these limit values are now to be reduced to 96 dB(A) for all rail-mounted vehicles. Since this limit is likely to impede the operation of high-speed rail links in Europe, and in order to permit a degree of flexibility or tolerance (as in the case of motorcycles and motor vehicles in particular), it would appear preferable to maintain the values originally laid down.

Such a solution appears to me to be all the more desirable since the directive would only apply to rolling-stock registered in a Member State and because not only does virtually one in three of all vehicles running on the Community's railway network originate in a third country but noise emitted simultaneously from several sources merges in such a way that the loudest noise is the noise perceived.

In the absence of standard rules for the entire European rail network, a certain degree of flexibility seems to me to be vital, at least for a transitional period.

Please consider this letter the unanimously adopted opinion of the Committee on Transport¹.

Yours sincerely,

(sgd) Georgios ANASTASSOPOULOS

¹The following took part in the vote: Mr ANASTASSOPOULOS, chairman, Mr KLINKENBORG, vice-chairman, Mrs BRAUN-MOSER, Mr BUTTAUFUOCO, Mr CRYER, Mrs FAITH, Mr FATOUS, Mr NEWTON-DUNN, Mr REMACLE, Mr STEVENSON, Mr VISSER and Mr ZAHORKA (deputizing for Mr K.H. HOFFMANN).

