

Is the local VRT Regulation in breach of Union Law

Reg. 540/2014

5.2.2. The noise reduction performance of the replacement silencing system, or components thereof, shall be verified by means of the methods described in point 1 of Annex II. In particular, for the application of this point, reference shall be made to the amendment level of this Regulation which was in force at the time of type-approval of the new vehicle.

(b) Measurement with stationary vehicle

When the replacement silencing system, or components thereof, is mounted on the vehicle described in point 1.3.3, the sound levels obtained shall satisfy one of the following conditions:

- (i) the value measured (rounded to the nearest integer) shall not exceed by more than 2 dB(A) the type-approval value obtained under this Regulation with the type of vehicle concerned;
- (ii) the value measured shall not exceed by more than 2 dB(A) the noise value measured on the vehicle described in point 1.3.3, when this is fitted with a silencing system corresponding to the type fitted to the vehicle when submitted for type-approval under this Regulation: 2016,2022 and 2026

1. Exhaust sound level of vehicles : Annex III (d)

Annex III Exhaust Limit value dB(A)		
Year	Category	
	M1 to M3	N1 to N3
2016	72/80	72/82
2022	70/78	71/81
2026	68/77	69/79

2. EU Regulation 168/2013: Annex V

Sound level limits of motorcycles – two / three wheelers and quads vary between : 66 and 80 dB(A)

Engine capacity between: 80 to 175 cm<sup>3</sup> 76/80

Tricycles and quads : 80 dB(A)

3. S.L. 65.15 Motor Vehicle Roadworthiness Test Reg

Exhaust sound level limit			
Vehicle categories	Engine type	Sound limit	Type
I, II,IV,VI	Petrol	100 dB(A)	Motor vehicles
	Diesel <150KW	100 dB(A)	
	Diesel =>150KW	105 dB(A)	
VIII	Petrol	119 dB(A)	Motorcycle

Conclusion:

Union Law lay down that: A Member State has no power to apply a regulation incompletely or to select only those provisions of which it approves as a means of ensuring that an instrument which it opposed at the time of its adoption or which runs counter to its perceived national interest is not given effect.

Nor can it invoke provisions or practices of domestic law to preclude the mandatory application of a regulation.

The noise level limits specified in Table 3 ; S.L.65.15 MVR Reg. exceeds those laid down in EU Regulations: 540/2014 and 168/2013; Tables 1 and 2.

Regulation 540/2014 at 5.2.2 lay down that the specific sound limit of the replaced silent systems must be equivalent to that when the vehicle was placed on the market.

What if the sound level of the replaced silencing system exceeds the type approval value by 20 dB(A) ?

It would still pass the local VRT test. The sound level limit for petrol driven vehicles is 100dB(A).

In such a situation, wouldn't the local VRT Regulation be precluding the scope of the EU regulations. " The reduction of the exhaust sound level to safer levels?