Commission Regulation (EU) No 109/2011 of 27 January 2011 implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards type-approval requirements for certain categories of motor vehicles and their trailers as regards spray suppression systems (Text with EEA relevance)

COMMISSION REGULATION (EU) No 109/2011

of 27 January 2011

implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards type-approval requirements for certain categories of motor vehicles and their trailers as regards spray suppression systems

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor[(1)], and in particular Article 14(1)(a) thereof,

Whereas:

(1) Regulation (EC) No 661/2009 is a separate Regulation for the purposes of the type-approval procedure provided for by 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)[(2)].

(2) Regulation (EC) No 661/2009 repeals Council Directive 91/226/EEC of 27 March 1991 on the approximation of the laws of the Member States relating to the spray suppression systems of certain categories of motor vehicles and their trailers[(3)].

(3) Regulation (EC) No 661/2009 lays down fundamental provisions on requirements for the type-approval of motor vehicles with regard to their spray suppression systems and the type-approval of spray suppression systems as separate technical units. It is now necessary to set out the specific procedures, tests and requirements for such type-approval.

(4) In so doing, it is appropriate to carry over to this Regulation the requirements set out in Directive 91/226/EEC adapted where necessary to the development of scientific and technical knowledge.

(5) The scope of this Regulation should be in line with that of Regulation (EC) No 661/2009 and thus limited to vehicles of categories N and O. The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 109/2011. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

[F1 Article 1

Scope

This Regulation applies to vehicles of categories N and O, as defined in Annex II to Directive 2007/46/EC, as well as to spray suppression systems intended for fitment to vehicles of categories N and O.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EU) 2015/166 of 3 February 2015 supplementing and amending Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards the inclusion of specific procedures, assessment methods and technical requirements, and amending Directive 2007/46/EC of the European Parliament and of the Council, and Commission Regulations (EU) No 1003/2010, (EU) No 109/2011 and (EU) No 458/2011 (Text with EEA relevance).

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(1) ‘spray-suppression system’ means a system intended to reduce the pulverisation of water thrown upwards by the tyres of a vehicle in motion and which is made up of a mudguard, rain flaps and valances equipped with a spray-suppression device;

(2) ‘mudguard’ means a rigid or semi-rigid component intended to trap the water thrown up by tyres in motion and to direct it towards the ground and which may entirely or partially form an integral part of the vehicle bodywork or other parts of the vehicle such as the lower part of the load platform;

(3) ‘rain flap’ means a flexible component mounted vertically behind the wheel, on the lower part of the chassis or the loading surface, or on the mudguard and which must also reduce the risk of small objects, in particular pebbles, being picked up from the ground by the tyres and thrown upwards or sidewards towards other road users;

(4) ‘spray-suppression device’ means part of the spray-suppression system, which may comprise an air/water separator and an energy absorber;

(5) ‘air/water separator’ means a component forming part of the valance and/or of the rain flap through which air can pass whilst reducing pulverised water emissions;

(6) ‘energy absorber’ means a component forming part of the mudguard and/or valance and/or rain flap which absorbs the energy of water spray, thus reducing pulverised water spray;

(7) ‘outer valance’ means a component located approximately within a vertical plane that is parallel to the longitudinal plane of the vehicle and which may form part of a mudguard or of the vehicle bodywork;

(8) ‘steered wheels’ means the wheels actuated by the vehicle’s steering system;

(9) 'self-tracking axle' means an axle pivoted about a central point in such a way that it can describe a horizontal arc;

(10) 'self-steered wheels' means wheels not actuated by the vehicle's steering device, which may swivel through an angle not exceeding 20° owing to the friction exerted by the ground.;

(11) 'retractable axle' means an axle as defined in point 2.15 of Annex I to Directive 97/27/EC of the European Parliament and of the Council[(4)];

(12) 'unladen vehicle' means a vehicle in running order as stated in point 2.6 of Annex I to Directive 2007/46/EC;

(13) 'tread' is the part of the tyre as defined in point 2.8 of Annex II to Council Directive 92/23/EEC[(5)];

(14) 'type of spray-suppression device' means devices which do not differ with respect to the following main characteristics:

(a) the physical principle adopted in order to reduce emissions (water-energy absorption, air/water separator),

(b) materials,

(c) shape,

(d) dimensions, in so far as they may influence the behaviour of the material;

(15) 'semi-trailer towing vehicle' means a towing vehicle as defined in point 2.1.1.2.2 of Annex I to Directive 97/27/EC;

(16) 'technically permissible maximum laden mass (M)' means the maximum technically permissible maximum laden mass stated by the manufacturer as described in point 2.8 of Annex I to Directive 2007/46/EC;

(17) 'vehicle type with regard to spray suppression' means complete, incomplete or completed vehicles, which do not differ with respect to the following aspects:

— type of spray suppression device installed on the vehicle,

— manufacturer's spray suppression system type designation.

Article 3

EC type-approval of a vehicle with regard to spray suppression systems

1 The manufacturer or the representative of the manufacturer shall submit to the approval authority the application for EC type-approval of a vehicle with regard to its spray suppression systems.

2 The application shall be drawn up in accordance with the model of the information document set out in Part 1 of Annex I.

3 If the relevant requirements set out in Annexes III and IV to this Regulation are met, the approval authority shall grant an EC type-approval and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

An approval authority may not assign the same number to another vehicle type.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 109/2011. (See end of Document for details)*

4 For the purposes of paragraph 3, the approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 2 of Annex I.

Article 4

EC separate technical unit type-approval of spray suppression systems

1 The manufacturer or his representative shall submit to the approval authority the application for EC separate technical unit type-approval for a type of spray suppression system.

The application shall be drawn up in accordance with the model information document set out in Part 1 of Annex II.

2 If the relevant requirements set out in Annexes III and IV to this Regulation are met, the approval authority shall grant an EC separate technical unit type-approval and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

An approval authority may not assign the same number to another type of separate technical unit.

3 For the purposes of paragraph 2, the approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 2 of Annex II.

Article 5

EC separate technical unit type-approval mark

Every separate technical unit conforming to a type in respect of which EC separate technical unit type-approval has been granted pursuant to this Regulation shall bear an EC separate technical unit type-approval mark as set out in Part 3 of Annex II.

Article 6

Validity and extension of approvals granted under Directive 91/226/EEC

National authorities shall permit the sale and entry into service of vehicles and separate technical units type-approved under Directive 91/226/EEC before 1 November 2012 and continue to grant extension of approvals to those vehicles and separate technical units under the terms of Directive 91/226/EEC.

Article 7

Entry into force

This Regulation shall enter into force on the twentieth day following 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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 109/2011. (See end of Document for details)*