Commission Regulation (EU) No 1009/2010 of 9 November 2010 concerning type-approval requirements for wheel guards of certain motor vehicles and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (Text with EEA relevance)

COMMISSION REGULATION (EU) No 1009/2010

of 9 November 2010

concerning type-approval requirements for wheel guards of certain motor vehicles and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor

(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 78/549/EEC of 12 June 1978 on the approximation of the laws of the Member States relating to the wheel guards of motor vehicles[(3)]. The requirements set out in that Directive should be carried over to this Regulation and, where necessary, amended in order to adapt them to the development of scientific and technical knowledge.

(3) The scope of this Regulation should be in line with that of Directive 78/549/EEC and thus limited to vehicles of category M_1.

(4) Regulation (EC) No 661/2009 lays down fundamental provisions on requirements for the type-approval of certain motor vehicles with regard to wheel guards. Therefore it is necessary to also set out the specific procedures, tests and requirements for such type-approval.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 1009/2010. (See end of Document for details)*

(5) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee – Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to motor vehicles of category M_1, as defined in Annex II to Directive 2007/46/EC.

Article 2

Definitions

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

(1) 'vehicle type with regard to wheel guards' means vehicles which do not differ in such essential respects as the characteristics of the wheel guards or the minimum and maximum tyre and wheel sizes suitable for fitment, taking into account the applicable tyre envelopes, rim sizes and wheel off-sets;

(2) 'tyre envelope' means the maximum section width and outer-diameter of a tyre, including tolerances, as permitted and specified according to its component approval;

(3) 'snow traction device' means a snow chain or other equivalent device providing traction in snow, which shall be able to be mounted onto the vehicle's tyre/wheel combination and which is not a snow tyre, winter tyre, all-season tyre or any other tyre by itself.

Article 3

Provisions for EC type-approval of a vehicle with regard to wheel guards

1 The manufacturer or his representative shall submit to the type-approval authority the application for EC type-approval of a vehicle with regard to wheel guards.

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 Annex II 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.

A Member State may not assign the same number to another vehicle type.

4 For the purposes of paragraph 3, the type-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

Validity and extension of approvals granted under Directive 78/549/EEC

National authorities shall permit the sale and entry into service of vehicles type-approved before the date referred to in Article 13(2) of Regulation (EC) No 661/2009 and continue to grant extension of approvals to those vehicles under the terms of Directive 78/549/EEC.

Article 5

Entry into force

This Regulation shall enter into force on the twentieth 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, 9 November 2010.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 1009/2010. (See end of Document for details)*

ANNEX I

Administrative documents for EC type-approval of motor vehicles with regard to wheel guards

PART 1

Information document

MODEL

Information document No … relating to the EC type-approval of a motor vehicle with regard to wheel guards.

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

If the systems, components or separate technical units referred to in this information document have electronic controls, information concerning their performance shall be supplied.

0. GENERAL

0.1. Make (trade name of manufacturer): …

0.2. Type: …

0.2.1. Commercial name(s) (if available): …

0.3. Means of identification of type, if marked on the vehicle[(4)]: …

0.3.1. Location of that marking: …

0.4. Category of vehicle[(5)]: …

0.5. Name and address of manufacturer: …

0.8. Name(s) and address(es) of assembly plant(s): …

0.9. Name and address of the manufacturer's representative (if any): …

1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE

1.1. Photographs and/or drawings of a representative vehicle: …

1.3. Number of axles and wheels: …

1.3.1. Number and position of axles with twin wheels: …

1.3.2. Number and position of steered axles: …

1.3.3. Powered axles (number, position, interconnection): …

2. MASSES AND DIMENSIONS[(6)(7)]

2.3. Axle track(s) and width(s):

2.3.1. Track of each steered axle:[(8)] …

2.3.2. Track of all other axles:[(8)] …

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 1009/2010. (See end of Document for details)*

2.3.3. Width of the widest rear axle: …

2.3.4. Width of the foremost axle (measured at the outermost part of the tyres excluding the bulging of the tyres close to the ground): …

2.4. Range of vehicle dimensions (overall)

2.4.1. For chassis without bodywork

2.4.1.2. Width[9]: …

2.4.1.3. Height (in running order)[10] (for suspensions adjustable for height, indicate normal running position): …

2.4.2. For chassis with bodywork

2.4.2.2. Width[9]: …

2.4.2.3. Height (in running order)[10] (for suspensions adjustable for height, indicate normal running position): …

2.6. Mass in running order

Mass of the vehicle with bodywork and, in the case of a towing vehicle of category other than M_1, with coupling device, if fitted by the manufacturer, in running order, or mass of the chassis or chassis with cab, without bodywork and/or coupling device if the manufacturer does not fit the bodywork and/or coupling device (including liquids, tools, spare wheel, if fitted, and driver and, for buses and coaches, a crew member if there is a crew seat in the vehicle)[11] (maximum and minimum for each variant): …

6. SUSPENSION

6.2.1. Level adjustment: yes/no/optional[12]

6.6. Tyres and wheels

6.6.1. Tyre/wheel combination(s)

(a) for tyres indicate size designation;

(b) for wheels indicate rim size(s) and off-set(s)

6.6.1.1. Axles

6.6.1.1.1. Axle 1: …

6.6.1.1.2. Axle 2: …

etc.

6.6.4. Description of the snow traction device(s) and the tyre/wheel combination(s) on the front and/or rear axle(s) suitable for the type of vehicle, as recommended by the manufacturer: …

9.16. Wheel guards

9.16.1. Brief description of the vehicle with regard to its wheel guards: …