COMMISSION DIRECTIVE 2002/78/EC

of 1 October 2002

adapting to technical progress Council Directive 71/320/EEC on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC 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 ([1]), as last amended by Commission Directive 2001/116/EC ([2]), and in particular Article 13(2) thereof,

Having regard to Council Directive 71/320/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and their trailers ([3]), as last amended by Commission Directive 98/12/EC ([4]), and in particular Article 5 thereof,

Whereas:

(1) Directive 71/320/EEC is one of the separate Directives of the EC type-approval procedure which has been established by Directive 70/156/EEC. Consequently, the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to Directive 71/320/EEC.

(2) It is not considered necessary to apply the requirements concerning the approval of after-market replacement brake lining assemblies to those assemblies used in the approval of the braking system, provided such assemblies can be identified in accordance with the requirements of this Directive.

(3) It is necessary to clarify the application of Directive 71/320/EEC to the after-market replacement brake lining assemblies with regard to their marking and packaging. Differentiation needs to be made between those replacement brake lining assemblies that are identical to the original equipment supplied for the specified vehicles and those that are not.

(4) Directive 71/320/EEC should be amended accordingly;

(5) The measures provided for in this Directive are in accordance with the opinion of the Committee for adaptation to technical progress established by Directive 70/156/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I, IX and XV to Directive 71/320/EEC are amended in accordance with the Annex to this Directive.

Article 2

With effect from 1 January 2003 Member States shall not, on grounds relating to vehicle braking systems prohibit the sale or entry into service of replacement brake linings if the replacement brake linings comply with the requirements of Directive 71/320/EEC, as amended by this Directive.

Article 3

1. With effect from 1 June 2003 Member States may, on grounds relating to vehicle braking systems prohibit the sale or entry into service of replacement brake linings if the replacement brake linings do not comply with the requirements of Directive 71/320/EEC, as amended by this Directive.

2. Notwithstanding the provision of paragraph 1, for the purpose of replacement parts, Member States shall permit the sale or entry into service of replacement brake linings intended for fitting to vehicle types for which type-approval was granted prior to the entry into force of Directive 71/320/EEC, as amended by Directive 98/12/EC, and on condition that such replacement brake linings do not contravene the provisions of the previous version of Directive 71/320/EEC, as amended by Directive 98/12/EC, which was applicable at the time of entry into service of these vehicles. In any case these brake linings shall not contain asbestos.

Article 4

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2002 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 5

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

([1]) OJ L 42, 23.2.1970, p. 1.
([2]) OJ L 18, 21.1.2002, p. 1.
([3]) OJ L 202, 6.9.1971, p. 37.
([4]) OJ L 81, 18.3.1998, p. 1.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 1 October 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission