DIRECTIVE 2001/43/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 June 2001

amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission ([1]),

Having regard to the opinion of the Economic and Social Committee ([2]),

Acting in accordance with the procedure referred to in Article 251 of the Treaty ([3]), in the light of the joint text approved by the Conciliation Committee on 21 March 2001,

Whereas:

(1) Measures should be adopted for the purpose of ensuring the smooth functioning of the internal market.

(2) Council Directive 92/23/EEC of 31 March 1992 relating to tyres for motor vehicles and their trailers, and to their fitting ([4]) is one of the separate directives under the Community approval procedure introduced by 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 ([5]); the provisions of Directive 70/156/EEC concerning systems, components and separate technical units for motor vehicles will thus apply to this Directive.

(3) For the purposes of implementing in particular Article 3(4), and Article 4(3) of Directive 70/156/EEC, each separate Directive should contain, in an Annex thereto, an information document and an approval document drawn up in accordance with Annex VI to Directive 70/156/EEC for the purpose of computerising approval; the approval document set out in Directive 92/23/EEC must therefore be amended.

(4) Article 4(2) of Council Directive 92/97/EEC of 10 November 1992 amending Directive 70/157/EEC relating to the permissible noise level and exhaust system of motor vehicles ([6]), states that any subsequent action intended, in particular, to reconcile the safety requirements with the need to limit the noise arising from contact between tyres and road surfaces will be adopted on the basis of a proposal from the Commission which will take account of the studies and research to be conducted in connection with that source of noise.

(5) A realistic, reproducible method enabling the noise arising from contact between tyres and road surfaces to be measured has been developed; on the basis of that new method of measurement, a study has been carried out in order to produce a numerical value for the sound level representing the tyre-road noise generated by various types of tyres fitted to various types of motor vehicle.

(6) It is to be acknowledged, when setting tyre-rolling noise requirements, that tyres are designed taking into account parameters relating to safety and environment and that a constraint on one parameter can affect the other parameters; it should also be acknowledged, when setting tyre-rolling noise requirements, that there is an ongoing development of international standards relating to road surface undertaken by the International Organisation for Standardisation (ISO) and to endurance and safety requirements relating to tyres undertaken by the United Nations Economic Commission for Europe.

(7) Directive 92/23/EEC should be amended accordingly.

(8) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([7]),

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 92/23/EEC shall be amended as follows:

1. 'EEC component type-approval', 'EEC type-approval' and 'EEC approval' shall be replaced in every instance by the term 'EC type-approval';

2. in Article 1, the first indent, shall read as follows:

'— "tyre" means any new pneumatic tyre including a winter tyre with holes for studs, in the form of original equipment or of a replacement, intended to be fitted to vehicles to which Directive 70/156/EEC applies. This definition does not cover winter tyres with studs;'

([1]) OJ C 30, 28.1.1998, p. 8.
([2]) OJ C 235, 27.7.1998, p. 24.
([3]) Opinion of the European Parliament of 18 February 1998 (OJ C 80, 16.3.1998, p. 90), Council Common Position of 13 April 2000 (OJ C 195, 11.7.2000, p. 16) and Decision of the European Parliament of 7 September 2000 (OJ C 135, 7.5.2001, p. 254). Decision of the European Parliament of 31 May 2001 and Decision of the Council of 5 June 2001.
([4]) OJ L 129, 24.5.1992, p. 95. Directive as amended by the 1994 Act of Accession.
([5]) OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 2000/40/EC of the European Parliament and of the Council (OJ L 203, 10.8.2000, p. 9).
([6]) OJ L 371, 19.12.1992, p. 1.
([7]) OJ L 184, 17.7.1999, p. 23.

3. the following Article shall be inserted:

'*Article 1a*

1. The requirements set out in Annex V shall apply to tyres intended to be fitted to vehicles first used on or after 1 October 1980.

2. The requirements set out in Annex V shall not apply to:

(a) tyres whose speed rating is less than 80 km/h;

(b) tyres whose nominal rim diameter does not exceed 254 mm (or code 10) or is 635 mm or more (code 25);

(c) T type temporary use spare tyres as defined in 2.3.6 of Annex II;

(d) tyres designed only to be fitted to vehicles registered for the first time before 1 October 1980.';

4. Article 2 shall be replaced by the following:

'*Article 2*

1. Member States shall grant EC type-approval, under the conditions laid down in Annex I, to all types of tyres meeting the requirements of Annex II, and shall allocate to these an approval number as specified in Annex I.

2. Member States shall grant EC type-approval, under the conditions laid down in Annex I, to all types of tyres meeting the requirements of Annex V and shall allocate to these an approval number as specified in Annex I.

3. Member States shall grant EC type-approval to all vehicles in respect of their tyres under the conditions laid down in Annex III, where those tyres (including spare tyres, where appropriate) meet the requirements of Annex II and the requirements concerning vehicles laid down in Annex IV, and shall allocate to any such vehicle an approval number as specified in Annex III'.

5. the List of Annexes and the Annexes shall be amended in accordance with the Annex to this Directive;

6. the following Article shall be inserted:

'*Article 10a*

1. As from 4 February 2003, Member States may not:

(a) refuse to grant EC type-approval or national approval for a type of vehicle or type of tyre, or

(b) prohibit the registration, sale or entry into service of vehicles, and the sale or entry into service or use of tyres,

for reasons relating to the tyres and their fitting to new vehicles, if the vehicles or tyres comply with the requirements laid down in this Directive, as amended by Directive 2001/43/EC (*).

2. As from 4 August 2003, Member States may no longer grant EC type-approval, and shall refuse to grant national type-approval for those types of tyre which fall within the scope of this Directive and which do not meet the requirements of this Directive, as amended by Directive 2001/43/EC.

3. As from 4 February 2004, Member States may no longer grant EC type-approval or national approval for a type of vehicle, for reasons relating to its tyres or their fitting, if the requirements of this Directive, as amended by Directive 2001/43/EC, are not met.

4. As from 4 February 2005, Member States shall:

(a) consider certificates of conformity accompanying new vehicles in accordance with the provisions of Directive 70/156/EEC as being no longer valid for the purposes of Article 7(1) of the said Directive, if the requirements of this Directive, as amended by Directive 2001/43/EC, are not met, and

(b) refuse the registration or prohibit the sale or entry into service of new vehicles which do not meet the requirements of this Directive, as amended by Directive 2001/43/EC.

5. As from 1 October 2009, the provisions of this Directive, as amended by Directive 2001/43/EC, shall apply for the purposes of Article 7(2) of Directive 70/156/EC, to all tyres which fall within the scope of this Directive, with the exception of tyres of classes C1d and C1e, to which they shall apply as from 1 October 2010 and 1 October 2011 respectively.

(*) Directive 2001/43/EC of the European Parliament and of the Council of 17 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting (OJ L 211, 4.8.2001, p. 25).'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary in order to comply with this Directive before 4 August 2002. They shall forthwith inform the Commission thereof.

They shall apply these provisions from 4 February 2003 at the latest.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

1. By 4 August 2003 at the latest, an amendment to Directive 92/23/EEC shall be adopted in accordance with the procedure referred to in Article 4(2) in order to introduce grip tests for tyres.

2. In the light of the experience gained from the introduction of limit values for tyre noise, the Commission shall, within 36 months after the entry into force of this Directive, submit to the European Parliament and the Council a report concerning whether and to what extent technical progress would, without compromising safety, allow the introduction of the limit values indicated in Annex V, section 4.2.1., columns B and C, of Directive 92/23/EEC, as amended by this Directive. On the basis of this report, the Commission shall within 12 months propose an amendment of Directive 92/23/EEC, with a view to introducing provisions relating to safety, environmental and rolling resistance aspects.

Article 4

1. The Commission shall be assisted by the Committee for Adaptation to Technical Progress set up by Article 13 of Directive 70/156/EEC, hereinafter referred to as 'the Committee'.

2. Where reference is made to this paragraph Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 5

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

Article 6

This Directive is addressed to the Member States.

Done at Luxembourg, 27 June 2001.

For the European Parliament	*For the Council*
The President	*The President*
N. FONTAINE	B. ROSENGREN

ANNEX

1. The list of Annexes will read as follows:

'ANNEX I	Administrative provisions for the EC type-approval of tyres
Appendix 1	Information document relating to EC type-approval for a type of tyre
Appendix 2	EC type-approval certificate (tyres)
Appendix 3	Information document relating to EC type-approval for a type of tyre relating to tyre/road noise emission
Appendix 4	EC type-approval certificate (tyre/road noise emission)
ANNEX II [1]	Requirements for tyres
Appendix 1	Explanatory figure
Appendix 2	List of symbols of load-capacity indices and corresponding maximum mass to be carried
Appendix 3	Arrangement of tyre markings
Appendix 4	Relationship between the pressure index and the units of pressure
Appendix 5	Measuring rim, outer diameter and section width of tyres of certain size designations
Appendix 6	Method of measuring tyre dimensions
Appendix 7	Load/speed test procedure
Appendix 8	Variation of load capacity index with speed; commercial-vehicle tyres radial and diagonal
ANNEX III	Administrative provisions for type-approval of vehicles with regard to the fitting of their tyres
Appendix 1	Information document for a vehicle
Appendix 2	EC type-approval certificate for a vehicle
ANNEX IV	Requirements for vehicles with regard to the fitting of their tyres
ANNEX V	Tyre/road noise emission
Appendix 1	Test method for tyre-road sound levels, coast-by method
Appendix 2	Test report
ANNEXE VI	Specifications for the test site

[1] The technical requirements for tyres are similar to those of Regulations Nos 30 and 54 of the UN Economic Commission for Europe (UN/ECE).'

2. Annex I is replaced by the following:

'*ANNEX I*

ADMINISTRATIVE PROVISIONS FOR THE EC TYPE-APPROVAL OF TYRES

1. APPLICATION FOR THE EC TYPE-APPROVAL OF A TYPE OF TYRE

1.1. The application for EC type-approval for a type of tyre pursuant to Article 3(4) of Directive 70/156/EEC is to be submitted by the tyre manufacturer.

1.1.1. The application for EC type-approval pursuant to Annex II is to be accompanied, in triplicate, by a description of the tyre type as described in the information document in Appendix 1.

1.1.1.1. The application must be accompanied (all in triplicate) by a sketch, or a representative photograph, which identifies the tyre tread pattern and a sketch of the envelope of the inflated tyre mounted on the measuring rim showing the relevant dimensions (see sections 6.1.1. and 6.1.2. of Annex II) of the type submitted for approval.

1.1.1.2. It must be accompanied either by the test report issued by the appointed technical service or by a number of samples to be determined by the approval authority.

1.1.2. The application for EC type-approval pursuant to Annex V is to be accompanied, in triplicate, by a description of the tyre type as described in the information document in Appendix 3.

1.1.2.1. The application must be accompanied (all in triplicate) by sketches, drawings or photographs of the tread pattern(s) that is/are representative of the type of tyres.

1.1.2.2. It must also be accompanied either by the test report issued by the appointed technical service or by a number of samples to be determined by the approval authority.

1.2. The manufacturer may apply for EC type-approval to be extended

1.2.1. to include modified tyre types for EC type-approvals pursuant to Annex II and/or

1.2.2. to include additional tyre size designations and/or amended brand names or manufacturer's trade descriptions and/or tread patterns for EC type-approvals pursuant to Annex V.

1.3. Until 31 December 2005 the approval authority may accept the labortatories of the tyre manufacturer as approved test laboratories pursuant to Article 14(1) of Directive 70/156/EEC.

2. INSCRIPTIONS

2.1. Samples of a type of tyre submitted for EC type-approval must bear the applicant's clearly visible and indelible trade mark or name and must allow sufficient space for the inscription of the EC type-approval mark as required in section 4 of this Annex.

3. EC TYPE-APPROVAL

3.1. EC type-approval pursuant to Article 4 of Directive 70/156/EEC is to be granted and an EC type-approval number is to be issued in respect of any tyre type, submitted in accordance with 1.1.1. above, which satisfies the requirements of Annex II.

3.1.1. Notice of approval or extension or refusal or withdrawal of approval or of production definitively discontinued in relation to a tyre type pursuant to Annex II must be communicated to the Member States in accordance with Article 4(6) of Directive 70/156/EEC.

3.1.2. EC type-approval pursuant to Article 4 of Directive 70/156/EEC is to be granted and an EC type-approval number is to be issued in respect of any tyre type, submitted in accordance with 1.1.2. above, which satisfies the requirements of Annex V.

3.2.1. Notice of approval or extension or refusal or withdrawal of approval or of production definitely discontinued in relation to a tyre type pursuant to Annex V must be communicated to the Member States in accordance with Article 4(6) of Directive 70/156/EEC.

3.3. An EC type-approval number is to be assigned to each tyre type-approved. The same Member State must not assign the same number to another tyre type. In particular, approval numbers assigned pursuant to Annex II and EC type-approval numbers assigned pursuant to Annex V must be different.

4. EC TYPE-APPROVAL MARKING

4.1. Any tyre conforming to a type in respect of which EC type-approval has been granted pursuant to this Directive must bear the relevant EC type-approval mark.

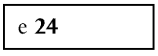
4.2. The EC type-approval mark will consist of a rectangle surrounding the lower case letter “e” followed by the distinguishing number of the Member State which has granted the type-approval as per Annex VII to Directive 70/156/EEC. The EC type-approval number will consist of the EC type-approval number shown on the certificate completed for the type, preceded by two figures: “00” for commercial vehicle tyres, “02” for passenger car tyres.

4.2.1. The rectangle forming the EC type-approval mark must have a minimum length of 12 mm and a minimum height of 8 mm. Letter(s) and number(s) must be at least 4 mm in height.

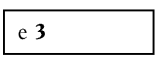
4.3. The EC type-approval marks and numbers, and any additional marks required in Annex II, section 3., the latter for the type-approval pursuant to the requirements of Annex II, must be affixed as prescribed in that section.

4.4. Approval numbers assigned pursuant to Annex V must be followed by the suffix “s” where “s” is an abbreviation for sound.

4.5. An example of the EC type-approval mark is given below:



00479



00687-s