COMMISSION DIRECTIVE 1999/17/EC

of 18 March 1999

adapting to technical progress Council Directive 76/761/EEC relating to motor vehicle headlamps which function as main-beam and/or dipped-beam headlamps and to incandescent electric filament lamps for such headlamps

(Text with EEA relevance)

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 Directive 98/91/EC of the European Parliament and of the Council [2], and in particular Article 13(2) thereof,

Having regard to Council Directive 76/761/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to motor vehicle headlamps which function as main-beam and/or dipped-beam headlamps and to incandescent electric filament lamps for such headlamps [3], as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 10 thereof,

(1) Whereas Directive 76/761/EEC is one of the separate Directives of the EC type-approval procedure which has been established by Directive 70/156/EEC; whereas, consequently, the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to Directive 76/761/EEC;

(2) Whereas, in particular, Article 3(4) and Article 4(3) of Directive 70/156/EEC require each separate Directive to have attached to it an information document and also a type-approval certificate based on Annex VI to Directive 70/156/EEC in order that type-approval may be computerised; whereas the type-approval certificate(s) provided for in Directive 76/761/EEC should be amended accordingly;

(3) Whereas the procedures should be simplified in order to maintain the equivalence envisaged by Article 9(2) of Directive 70//156/EEC between certain separate Directives and the corresponding regulations of the United Nations' Economic Commission for Europe (UN-ECE) when those regulations are amended; whereas, as a first step, the technical requirements of Directive 76/761/EEC should be replaced by those of UN-ECE Regulations Nos 1, 5, 8, 20, 31, 37, 98 and 99 by way of cross-reference;

(4) Whereas it is necessary to ensure that the requirements in Council Directive 76/756/EEC [4], as last amended by Commission Directive 97/28/EC [5], are complied with;

(5) Whereas 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

Directive 76/761/EEC is amended as follows:

1. The title is replaced by the following:

'on the approximation of the laws of the Member States relating to motor vehicle headlamps which function as main-beam and/or dipped-beam headlamps and to light sources (filament lamps and others) for use in approved lamp units of motor vehicles and of their trailers.'

[1] OJ L 42, 23.2.1970, p. 1.
[2] OJ L 11, 16.1.1999, p. 25.
[3] OJ L 262, 27.9.1976, p. 96.
[4] OJ L 262, 27.9.1976, p. 1.
[5] OJ L 171, 30.6.1997, p. 1.

2. In Article 1, paragraph 1 is replaced by the following:

'1. Each Member State shall grant EC component type-approval for any type of headlamp which functions as a main-beam and/or dipped-beam headlamp and for any type of light source (filament lamp(s) and other(s)) for use in approved lamp units which satisfy the construction and testing requirements laid down in the relevant Annexes.'

3. Articles 2, 3 and 4 are replaced by the following:

'*Article 2*

Member States shall, for each type of headlamp which functions as a main-beam and/or dipped-beam headlamp or for each type of light source (filament lamp(s) and other(s)) for use in approved lamp units which they approve pursuant to Article 1, issue to the manufacturer an EC component type-approval mark conforming to the model shown in Annex I, Appendix 5.

Member States shall take all appropriate measures to prevent the use of marks liable to create confusion between headlamps which function as main-beam and/or dipped-beam headlamps and light source(s) (filament lamp(s) and other(s)) for use in approved lamp units which have been type-approved pursuant to Article 1, and other devices.

Article 3

1. No Member State may prohibit the placing on the market of headlamps which function as main-beam and/or dipped-beam headlamps and light source(s) (filament lamp(s) and other(s)) for use in approved lamp units on grounds relating to their construction or method of functioning, if they bear the EC component type-approval mark.

2. A Member State may prohibit the placing on the market of headlamps which function as main-beam and/or dipped-beam headlamps and light source(s) (filament lamp(s) and other(s)) for use in approved lamp units bearing the EC component type-approval mark which consistently fail to conform to the approved type.

That State shall forthwith inform the other Member States and the Commission of the measures taken, specifying the reasons for its decision.

Article 4

The competent authorities of the Member States shall inform each other, by means of the procedure specified in Article 4(6) of Directive 70/156/EEC, of each approval which they have granted, refused or withdrawn pursuant to this Directive.'

4. In Article 5(1), the first sentence is replaced by the following:

'If the Member State which has granted EC component type-approval finds that a number of headlamps which function as main-beam and/or dipped-beam headlamps or light source(s) (filament lamp(s) and other(s)) for use in approved lamp units bearing the same EC component type-approval mark do not conform to the type which it has approved, it shall take the necessary measures to ensure that production models conform to the approved type.'

5. In Article 6, the first sentence is replaced by the following:

'Any decision taken pursuant to the provisions adopted in implementation of this Directive to refuse or withdraw EC component type-approval for a main-beam or a dipped-beam headlamp or for a light source(s) (filament lamp(s) and other(s)) for use in approved lamp units or prohibit their placing on the market or use shall set out in detail the reasons on which it is based.'

6. Articles 7, 8 and 9 are replaced by the following:

'*Article 7*

No Member State may refuse to grant EC type-approval or national type-approval of a vehicle on grounds relating to its headlamps which function as main-beam and/or dipped-beam headlamps or to the light source(s) (filament lamp(s) and other(s)) for use in approved lamp units if these bear the EC component type-approval mark and are fitted in accordance with the requirements laid down in Directive 76/756/EEC.

Article 8

No Member State may refuse or prohibit the sale or registration, entry into service or use of a vehicle on grounds relating to its headlamps which function as main-beam and/or dipped-beam headlamps or to the light source(s) (filament lamp(s) and other(s)) for use in approved lamp units if these bear the EC component type-approval mark and are fitted in accordance with the requirements laid down in Directive 76/756/EEC.

Article 9

For the purposes of this Directive, "vehicle" means any motor vehicle intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 km/h, with the exception of vehicles which run on rails and of agricultural and forestry tractors and all mobile machinery.'

7. The Annexes are replaced by the text in the Annex to this Directive.

Article 2

1. From 1 October 1999, or, if the publication of the texts referred to in Article 3 is delayed beyond 1 April 1999, six months after the actual date of publication of these texts, Member States may not, on grounds relating to headlamps which function as main-beam and/or dipped-beam headlamps and to light sources (filament lamps and others) for use in approved lamp units, hereinafter referred to as 'headlamps' and 'light sources', respectively:

— refuse, in respect of a type of vehicle or a type of headlamp or light source, to grant EC type-approval or national type-approval, or

— prohibit the registration, sale or entry into service of vehicles, or the sale or entry into service of headlamps or light sources,

provided that the headlamps or light sources comply with the requirements of Directive 76/761/EEC, as amended by this Directive, and that, as far as vehicles are concerned, they are installed in accordance with the requirements laid down in Directive 76/756/EEC.

2. From 1 April 2000 Member States:

— shall no longer grant EC type-approval, and

— may refuse to grant national type-approval

for any type of vehicle on grounds relating to headlamps or light sources, and for any type of headlamp or light source, if the requirements of Directive 76/761/EEC, as amended by this Directive, are not fulfilled.

3. From 1 April 2001 the requirements of Directive 76/761/EEC relating to headlamps or light sources as components, as amended by this Directive, shall be applicable for the purposes of Article 7(2) of Directive 70/156/EEC.

4. Notwithstanding paragraphs 2 and 3, for the purposes of replacement parts Member States shall continue to grant EC type-approval of headlamps and light sources and to permit their sale and entry into service in accordance with previous versions of Directive 76/761/EEC provided that such headlamps and light sources

— are intended to be fitted to vehicles already in use, and

— comply with the requirements of that Directive which were applicable when the vehicles were first registered.

Article 3

The paragraphs and annexes of UN-ECE Regulations Nos 1, 5, 8, 20, 31, 37, 98 and 99, referred to in Annexes II, III, IV, V, VI, VII, VIII and IX, items 2.1, shall be published in the *Official Journal of the European Communities* before 1 April 1999.

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 October 1999; however, if the publication of the texts referred to in Article 3 is delayed beyond 1 April 1999, the Member States shall comply with this obligation six months after the actual date of publication of these texts. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 October 1999, or, if the publication of the texts referred to in Article 3 is delayed beyond 1 April 1999, six months after the actual date of publication of those texts.

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

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

Article 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 18 March 1999.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

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Note: As used in the Annexes the term "driving beam" is synonymous with "main beam", and the term "passing beam" is synonymous with "dipped beam".

ANNEX I

ADMINISTRATIVE PROVISIONS FOR TYPE APPROVAL

1. This Annex deals with the component type-approval of

1.1. motor vehicle headlamps emitting an asymmetrical passing beam or a driving beam or both, equipped with filament lamps of categories R2 and/or HS1 and complying with the requirements set out in Annex II;

1.2. motor vehicle "sealed-beam" headlamps emitting an asymmetrical passing beam or a driving beam or both and complying with the requirements set out in Annex III;

1.3. motor vehicle headlamps emitting an asymmetrical passing beam or a driving beam or both, equipped with halogen filament lamps of categories H_1, H_2, H_3, HB_3, HB_4, H_7 and/or H_8 and complying with the requirements set out in Annex IV;

1.4. motor vehicle headlamps emitting an asymmetrical passing beam or a driving beam or both, equipped with halogen filament lamps of category H_4 and complying with the requirements set out in Annex V;

1.5. halogen "sealed-beam" motor vehicle headlamps emitting an asymmetrical passing beam or a driving beam or both and complying with the requirements set out in Annex VI;

1.6. filament lamps for use in approved lamp units of motor vehicles and of their trailers complying with the requirements set out in Annex VII;

1.7. motor vehicle headlamps equipped with gas-discharge light sources and complying with the requirements set out in Annex VIII;

1.8. gas-discharge light sources for use in approved gas-discharge lamp units of motor vehicles complying with the requirements set out in Annex IX.

2. APPLICATION FOR EC COMPONENT TYPE-APPROVAL

2.1. The application for EC component type-approval pursuant to Article 3(4) of Directive 70/156/EEC of a type of headlamp shall be submitted by the manufacturer.

2.1.1. A model for the information document is given in Appendix 1.

2.1.2. The following must be submitted to the technical service responsible for conducting the type-approval tests:

2.1.2.1. Samples as follows:

2.1.2.1.1. of a type of headlamp referred to in points 1.1., 1.3. and 1.4. above: two samples;

2.1.2.1.2. of a type of headlamp referred to in points 1.2. and 1.5. above: five samples;

2.1.2.1.3. of a type of headlamp referred to in point 1.7. above: two samples with standard gas-discharge light source and one ballast of each type to be used, where applicable;