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COMMISSION DIRECTIVE 98/14/EC

of 6 February 1998

adapting to technical progress Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Text with EEA relevance)

(OJ L 91, 25.3.1998, p. 1)

Corrected by:

►**C1** Corrigendum, OJ L 291, 13.11.1999, p. 39 (98/14)

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COMMISSION DIRECTIVE 98/14/EC

of 6 February 1998

adapting to technical progress Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(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 European Parliament and Council Directive 97/27/EC ([2]), and in particular Article 13(2) thereof,

Having regard to Council Directive 92/53/EEC of 18 June 1992 amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ([3]), and in particular Article 3 thereof,

Whereas Directive 92/53/EEC calls upon the Commission to propose on the basis of a report to be drawn up by 31 December 1994, amendments required to improve the type-approval arrangements and to facilitate the entry into service of the vehicles in the Member States;

Whereas according to Article 9 of Directive 70/156/EEC, the equivalence of the international Regulations of the Economic Commission for Europe of the United Nations (UN/ECE) listed in Part II of Annex IV to that Directive with the corresponding separate Directives should be recognized; whereas it is necessary to amend and to keep up-to-date the relevant Annex and the table of equivalence in order to maintain transparency between the Regulations and the Directives;

Whereas according to Article 10 of Directive 70/156/EEC, the Member States granting a type-approval are required to take the necessary measures in accordance with Annex X to verify that adequate arrangements have been made to ensure that production vehicles, systems, components or separate technical units conform to the approved type;

Whereas it is essential that the requirements governing control of the conformity of production to be carried out by the approval authorities should be harmonised; whereas, in order to ensure uniformity of application and interpretation, it is therefore necessary to include specific guidance on the procedures to be followed;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 70/156/EEC is hereby amended as follows:

1. Article 3(1) is replaced by the following:

‘1. Applications for vehicle type-approval shall be submitted by the manufacturer to the approval authority of a Member State. An application shall beaccompanied by an information folder containing the information required by Annex III, and by the approval certificates for each of the applicable separate Directives as required in

([1]) OJ L 42, 23.2.1970, p. 1.
([2]) OJ L 233, 25.8.1997, p. 1.
([3]) OJ L 225, 10.8.1992, p. 1.

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Annex IV or XI; also, the information package for system and separate technical unit approvals in respect of each separate Directive shall be made available to the approval authority throughout the period up to the date when the approval is either issued or refused.';

2. Article 4(1) is amended as follows:

(a) in point (c), 'a relevant separate Directive' is replaced by 'the relevant separate Directive as mentioned in Annex IV or XI';

(b) in point (d), 'the relevant separate Directive' is replaced by 'the relevant separate Directive as mentioned in Annex IV or XI';

(c) the following subparagraphs are added:

'In the case of a vehicle approval relating to Annex XI or to Article 8(2)(c), or in case of a system, component, or separate technical unit approval relating to Annex XI or to Article 8(2)(c) and including restrictions or exemptions from some provisions of the relevant separate Directive, the approval certificate shall include the restrictions on its validity and the exemptions granted and shall be given a special approval number according to the provisions of Annex VII.

Where particulars in the information folders referred to in (a), (b), (c), and (d) above specify provisions for special purpose vehicles as denoted in the relevant columns of Annex XI and its Appendices, the type-approval certificate shall also specify such provisions and exemptions.';

3. Article 5 is replaced by the following:

'Article 5

Amendments to type-approvals

1. The Member State which has granted type-approval must take the necessary measures to ensure that it is informed of any change in the particulars appearing in the information package.

2. The application for amendment of a type-approval shall be submitted exclusively to the Member States which granted the original type-approval.

3. In the case of system, component or separate technical unit approval, if particulars appearing in the information package have changed, the approval authority of the Member State in question shall issue revised page(s) of the information package as necessary, marking each revised page to show clearly the nature of the change and the date of re-issue; a consolidated, updated version of the information package accompanied by a detailed description of the change shall also be deemed to meet this requirement.

On any occasion when revised pages or a consolidated, updated version are issued, the index to the information package (which is attached to the approval certificate) shall also be amended to show the latest dates of revised pages or the date of the consolidated, updated version.

If, in addition, any information on the approval certificate (excluding its attachments) has changed or the requirements of the Directive have changed since the date currently on the approval, the amendment shall be designated as "extension" and the approval authority of the Member State in question shall issue a revised approval certificate (denoted by an extension number) which shall show clearly the reason for extension and the date of re-issue.

If the approval authority of the Member State in question finds that an amendment to an information package warrants fresh tests or checks, it shall inform the manufacturer thereof and issue the documents mentioned in the first, second and third subparagraphs only after the conduct of successful fresh tests or checks.

4. In the case of vehicle type-approval, if particulars appearing in the information package have changed, the approval authority of the Member State in question shall issue revised page(s) of the information package as necessary, marking each revised page to show clearly the nature of the change and the date of re-issue; a consol-

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idated, updated version of the information package accompanied by a detailed description of the change shall also be deemed to meet this requirement.

On any occasion when revised pages or a consolidated, updated version are issued, the index to the information package (which is attached to the approval certificate) shall also be amended to show the latest dates of revised pages or the date of the consolidated, updated version.

►C1 If, in addition, either further inspections ◄ are required or any information on the approval certificate (excluding its attachments) has changed or the requirements of any of the separate Directivesapplicable to the date from which first entry into service is prohibited have changed since the date currently on the vehicle approval, the amendment shall be designated as "extension" and the approval authority of the Member State in question shall issue a revised approval certificate (denoted by an extension number) which shall show clearly the reason for extension and the date of re-issue.

If the approval authority of the Member State in question finds that an amendment to an information package warrants fresh inspections, it shall inform the manufacturer thereof and issue the documents mentioned in the first, second and third subparagraphs only after the conduct of successful fresh inspections. Any revised document shall be sent to all other approval authorities within one month.

5. Where it becomes apparent that a vehicle type-approval is about to become invalid because one or more of the separate Directive approvals referred to in its information package is about to become invalid or because of the introduction of a new separate Directive in Annex IV, Part I, the approval authority of the Member State which granted that approval shall, not less than one month before the vehicle type-approval ceases to be valid, communicate that fact to the approval authorities of the other Member States together with an indication of the relevant date or the vehicle identification number of the last vehicle produced in conformity with the old certificate.

6. For vehicle categories not affected by a change of requirements in separate Directives or in this Directive, no amendment to the approval shall be required.';

4. in Article 6(1), the following subparagraph is added:

'The certificate of conformity shall be made in such a way to prevent any forgery. For this purpose, the printing shall be made on paper protected either by coloured graphics or watermarked with the manufacturer's identification mark.';

5. Article 8(2) is amended as follows:

(a) point (b) is amended as follows:

(i) ►C1 in point 1 'quantitative' is deleted ◄;

(ii) point 2 is replaced by the following:

'2. For point 1 to be applied to one or more types of a given category, the manufacturer must submit a request to the competent authority of each Member State concerned by the entry into service of such types of vehicle. The request must specify the technical and/or economic reasons on which it is based.

Within three months these Member States shall decide whether and for which number of units, they accept the vehicle type concerned to be registered within their territory.

Each Member State concerned by the entry into service of such types of vehicle shall be responsible for ensuring that the manufacturer complies with the provisions of Annex XII.B.

Member States shall each year send the Commission a list of exemptions granted.';

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(b) point (c) is replaced by the following:

'(c) *Vehicles, components or separate technical units incorporating technologies or concepts which cannot, owing to their specific nature, comply with one or more of the requirements of one or more of the separate Directives*

In this case, the Member State may grant an approval restricted in validity to its own territory, but shall within one month of so doing, send a copy of the approval certificate and its attachments to the approval authorities of the other Member States and to the Commission. At the same time, it shall send a request to the Commission to be allowed to grant a type-approval in accordance with this Directive. The request shall be accompanied by a file containing the following elements:

— the reason why the technologies or concepts in question prevent the vehicle, component or separate technical unit from complying with the requirements of one or more of the relevant separate Directives,

— a description of the areas of safety and environmental protection concerned and the measures taken,

— a description of the tests and their results that demonstrate at least an equivalent level of safety and environmental protection as is provided by the requirements of one or more of the relevant separate Directives,

— proposals for amendments to the relevant separate Directives or new separate Directive(s) as applicable.

The Commission shall, within three months after the date of receipt of the complete file, submit a draft decision to the Committee referred to in Article 13. The Commission shall, in accordance with the procedure laid down in Article 13, decide whether or not to allow the Member State to grant an approval in accordance with this Directive.

Only the request to grant an approval and the draft decision will be transmitted to the Member States in their national language(s), but Member States may request all the elements of the file in the original language as a prerequisite to a decision being taken in accordance with the procedure laid down Article 13.

If a decision is taken to approve the request, the Member State may issue a type-approval in accordance with this Directive. In such cases, the decision shall also establish whether to place any restrictions (such as a time period) on its validity. In no case should the validity of the approval be less than 36 months.

When the relevant separate Directive(s) have been adapted to technical progress such that the vehicles, components or separate technical units for which approvals have been granted under the provisions of this subparagraph (c), comply with the amending Directive(s), the Member States shall convert such approvals to normal approvals making any necessary allowances for the time needed, e.g. for manufacturers to change approval markings on components. This will include deletion of any reference to restrictions or exemptions and replace any special approval numbers by normal approval numbers.

If the necessary steps to adapt the separate Directive(s) have not been taken, the validity of approvals granted under the provisions of this point may be extended upon request of the Member State which granted the approval by a further decision taken in accordance with the procedure laid down in Article 13.';