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(Acts whose publication is obligatory)

COMMISSION DIRECTIVE 98/12/EC

of 27 January 1998

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

(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 92/27/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 91/422/EEC [4] and in particular Article 5 thereof,

Whereas 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; whereas, consequently, the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to this Directive;

Whereas, in particular, Articles 3(4) and 4(3) of Directive 70/156/EEC necessitate that each separate Directive has attached to it an information document incorporating the relevant items of Annex I to that Directive and also a type-approval certificate based on Annex VI thereto in order that type approval may be computerised.

Whereas the aftermarket sales of replacement brake linings is such that, in order to ensure standards of safety and reliability are maintained, there is now a requirement for regulating the quality and performance of replacement brake linings on the market by means of this Directive;

Whereas the recognition of equivalence between international regulations, in particular regulations of the Economic Commission for Europe of the United Nations, and separate Directives is desirable; whereas, consequently, it has been deemed necessary to bring into line the provisions of Directive 71/32/EEC with those of UN/ECE Regulation No 13 relating to braking and Regulation No 90 relating to replacement brake lining assemblies;

Whereas the number of subsequent revisions to the original Directive 71/320/EEC now deem it appropriate to consolidate all of these revisions into a single consolidated Directive;

Whereas the provisions of this Directive are in accordance with the opinion of the Committee for adaptation to technical progress established by Directive 70/156/EEC,

[1] OJ L 42, 23.2.1970, p. 1.
[2] OJ L 233, 25.8.1997, p. 1.
[3] OJ L 202, 6.9.1971, p. 37.
[4] OJ L 233, 22.8.1991, p. 21.

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The Articles of Directive 71/320/EEC are hereby amended as follows:

— Article 1(1) shall read:

'1. For the purposes of this Directive, "vehicle" means any vehicle as defined in Article 2 of Directive 70/156/EEC.

Vehicle categories are defined in Annex IIA to Directive 70/156/EEC.',

points (a), (b) and (c) shall be deleted,

paragraphs 3 and 5 shall be deleted and paragraph 4 shall be renumbered 3,

— in Article 2, 'Annexes I to VIII and XI to XII' shall be replaced by 'the relevant Annexes',

— in Article 2a, 'Annexes I to VIII' shall be replaced by 'the relevant Annexes',

— in Article 5, 'The Council Directive of 6 February 1970' shall be replaced by 'Council Directive 70/156/EEC'.

2. The Annexes to Directive 71/320/EEC are hereby replaced by the list of Annexes and the Annexes to this Directive.

Article 2

1. With effect from 1 January 1999 Member States shall not, on grounds relating to vehicle braking systems

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

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

— prohibit the sale or entry into service of replacement brake linings

if the vehicles or the replacement brake linings comply with the requirements of Directive 71/320/EEC, as amended by this Directive.

2. With effect from 1 October 1999 Member States

— shall no longer grant EC type-approval,

and

— may refuse to grant national type-approval for a new type of vehicle on grounds relating to the vehicle braking system and for a new type of brake linings if the requirements of Directive 71/320/EEC, as amended by this Directive, are not fulfilled.

3. With effect from 31 March 2001 Member States

— shall consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 70/156/EEC to be no longer valid for the purposes of Article 7(1) of that Directive,

and

— may refuse the registration, sale and entry into service of new vehicles

on grounds relating to the braking systems if the requirements of Directive 71/320/EEC, as amended by this Directive, are not fulfilled.

4. With effect from 31 March 2001 the requirements of Directive 71/320/EEC relating to the replacement brake linings as separate technical units, as amended by this Directive, are applicable for the purposes of Article 7(2) of Directive 70/156/EEC.

5. Notwithstanding the provisions of paragraphs 2 and 4 above, for the purposes 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 this Directive and on condition that such replacement brake linings do not contravene the provisions of the previous version of Directive 71/320/EEC which was applicable at the time of entry into service of these vehicles.

In any case these brake linings shall not contain asbestos.

6. With effect from 1 October 1999 Member States shall prohibit the entry into service of vehicles fitted with brake linings containing asbestos. However, approvals issued according to Directive 91/422/EEC for vehicles fitted with brake linings not containing asbestos, shall remain valid until 31 March 2001.

Article 3

1. Member States shall bring force the laws, regulatory and administrative provisions necessary to comply with this Directive before 1 January 1999 and shall forthwith inform the Commission thereof.

2. When the Member States adopt these provisions, these shall contain a reference to this Directive or be

accompanied by such 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 texts of the legal provisions subsequently adopted in the field governed by this Directive.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 27 January 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

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