COMMISSION DIRECTIVE 97/32/EC

of 11 June 1997

adapting to technical progress Council Directive 77/539/EEC relating to reversing lamps for 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 96/79/EC [2], and in particular Article 13 (2) thereof,

Having regard to Council Directive 77/539/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to reversing lamps for motor vehicles and their trailers [3], as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 10 thereof,

Whereas Directive 77/539/EEC is one of the separate Directives of the EEC 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 require each separate Directive to have attached to it an information document and also a type-approval certificate based on Annex VI to that Directive in order that type-approval may be computerized; whereas the type approval certificate(s) provided for in Directive 77/539/EEC must be amended accordingly;

Whereas the procedures need to be simplified in order to maintain the equivalence, established 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 when the said regulations are amended; whereas, as a first step, the technical requirements of Directive 77/539/EEC need to be replaced by those of Regulation No 23 by way of cross-reference;

Whereas reference is made to Council Directive 76/756/EEC [4], as last amended by Commission Directive 97/28/EC [5], and to Council Directive 76/761/EEC [6], as last amended by the Act of Accession of Austria, Finland and Sweden;

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 77/539/EEC is hereby amended as follows:

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

   '1. Each Member State shall grant EEC component type-approval for any type of reversing lamp which satisfies the construction and testing requirements laid down in the relevant Annexes.'

2. The first paragraph of Article 2 is replaced by the following:

   'Member States shall for each type of reversing lamp which they approve pursuant to Article 1, issue to the manufacturer an EEC component type-approval mark conforming to the model shown in Annex I, Appendix 3.'

3. Article 4 is replaced by the following:

   '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.'

[1] OJ No L 42, 23. 2. 1970, p. 1.
[2] OJ No L 18, 21. 1. 1997, p. 7.
[3] OJ No L 220, 29. 8. 1977, p. 72.
[4] OJ No L 262, 27. 9. 1976, p. 1.
[5] See p. 1 of this Official Journal.
[6] OJ No L 262, 27. 9. 1976, p. 96.

4. Article 9 is replaced by the following:

'*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, and its trailers, with the exception of vehicles which run on rails and of agricultural and forestry tractors and all mobile machinery.'

5. The Annexes are replaced by the Annex to this Directive.

Article 2

1. From 1 January 1998, or, if publication of the texts referred to in Article 3 is delayed beyond 1 July 1997, six months after the actual date of publication of these texts, Member States may not, on grounds relating to reversing lamps:

— refuse, in respect of a type of vehicle or a type of lamp mentioned above, 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 reversing lamps,

provided that the lamps comply with the requirements of Directive 77/539/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 October 1998 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 reversing lamps, and for any type of reversing lamp, if the requirements of Directive 77/539/EEC, as amended by this Directive, are not fulfilled.

3. From 1 October 1999 the requirements of Directive 77/539/EEC relating to reversing lamps 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 above, for the purposes of replacement parts Member States shall continue to grant EC type-approval of reversing lamps, and to permit their sale and entry into service, in accordance with previous versions of Directive 77/539/EEC provided that such lamps

— 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 Regulation No 23 referred to in Annex II, item 2.1, shall be published in the *Official Journal of the European Communities* before 1 July 1997.

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1998; however, if the publication of the texts referred to in Article 3 is delayed beyond 1 July 1997, 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 January 1998, or, if the publication of the texts referred to in Article 3 is delayed beyond 1 July 1997, six months after the actual date of publication of those texts.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

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, 11 June 1997.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

'LIST OF ANNEXES

ANNEX I: Administrative provisions for type approval

Appendix 1: Information document

Appendix 2: Type-approval certificate

Appendix 3: Models of the EC component type-approval mark

ANNEX II: Scope and technical requirements

ANNEX I

ADMINISTRATIVE PROVISIONS FOR TYPE APPROVAL

1. APPLICATION FOR EC COMPONENT TYPE-APPROVAL

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

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

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

1.3.1. Two samples equipped with the lamp or lamps recommended. If the devices are not identical but are symmetrical and suitable for mounting one on the left and one on the right side of the vehicle, the two samples submitted may be identical and be suitable for mounting only on the right or only on the left side of the vehicle.

2. MARKINGS

2.1. The devices submitted for EC component type-approval must bear:

2.1.1. the trade name or mark of the manufacturer;

2.1.2. if necessary in order to prevent any mistake in mounting the reversing lamp on the vehicle, bear the word 'TOP' marked horizontally on the uppermost part of the illuminating surface;

2.1.3. in the case of lamps with replaceable light sources: the type(s) of filament lamp prescribed;

2.1.4. in the case of lamps with non-replaceable light sources: the nominal voltage and wattage.

2.2. These markings shall be clearly legible and indelible and shall be affixed to the illuminating surface, or to one of the illuminating surfaces, of the device. They shall be visible from the exterior when the device is fitted to the vehicle.

2.3. Each device shall have sufficient space for the component type-approval mark. This space

3. GRANTING OF EC COMPONENT TYPE-APPROVAL

3.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 4 (3) and, if applicable, 4 (4) of Directive 70/156/EEC shall be granted.

3.2. A model for the EC type-approval certificate is given in Appendix 2.

3.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of reversing lamp approved. The same Member State shall not assign the same number to another type of reversing lamp.

3.4. Where EC component type approval is requested for a type of lighting and light-signalling device comprising a reversing lamp and other lamps, a single EC component type-approval number may be assigned provided that the reversing lamp complies with the requirements of this Directive and that each of the other lamps forming part of the lighting and light-signalling device for which EC component type approval is requested complies with the separate Directive applying to it.

4. EC COMPONENT TYPE-APPROVAL MARK

4.1. In addition to the markings referred to in item 2.1 every reversing lamp conforming to the type approved pursuant to this Directive shall bear an EC component type-approval mark.

4.2. This mark shall consist of:

4.2.1. a rectangle surrounding the letter 'e' followed by the distinguishing number or letters of the Member State which has granted type approval:

1 for Germany
2 for France
3 for Italy
4 for the Netherlands
5 for Sweden
6 for Belgium
9 for Spain
11 for the United Kingdom
12 for Austria
13 for Luxembourg
17 for Finland
18 for Denmark
21 for Portugal
23 for Greece
IRL for Ireland;

4.2.2. in the vicinity of the rectangle the 'base approval number' contained in section 4 of the type-approval number referred to in Annex VII of Directive 70/156/EEC, preceded by the two figures indicating the sequence number assigned to the most recent major technical amendment to Directive 77/539/EEC on the date EEC type approval was granted. In this Directive the sequence number is 00;

4.2.3. an additional symbol consisting of the letters 'A' and 'R', mingled as shown in figure 1 of Appendix 3.

4.2.4. On lamps of which the visibility angles are asymmetrical with regard to the reference axis in a horizontal direction, an arrow pointing towards the side on which the photometric specifications are met up to an angle of 45° H.

4.3. The EC component type-approval mark shall be affixed to the lens of the lamp or one of the lenses in such a way as to be indelible and clearly legible even when the lamps are fitted to the vehicle.

4.4. Examples of the EC component type-approval mark are given in Appendix 3, Figure 1.

4.5. Where a single EC component type-approval number is issued, as per item 3.4 above, for a type of lighting and light-signalling device comprising a reversing lamp and other lamps, a single EC component type-approval mark may be affixed, consisting of:

4.5.1. a rectangle surrounding the letter 'e' followed by the distinguishing number or letters of the Member State which has granted type approval (see item 4.2.1);

4.5.2. the base approval number (see item 4.2.2, first half-sentence);

4.5.3. if necessary, the required arrow, in so far as it relates to the lamp assembly as a whole.

4.6. This mark may be located anywhere on the lamps which are grouped, combined or reciprocally incorporated, provided that:

4.6.1. it is visible after the installation of the lamps;

4.6.2. no light-transmitting components of the grouped, combined or reciprocally incorporated lamps can be removed without simultaneously removing the approval mark.

4.7. The identification symbol for each lamp corresponding to each Directive pursuant to which EC component type approval was granted, together with the sequence number (see item 4.2.2, second half-sentence) and, where necessary, the letter 'D' and the required arrow shall be marked: