COMMISSION DIRECTIVE 97/30/EC

of 11 June 1997

adapting to technical progress Council Directive 76/758/EEC relating to the end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop 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 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 76/758/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop 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 76/758/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 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 76/758/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 76/758/EEC need to be replaced by those of Regulations No 7, 87 and 91 by way of cross-reference;

Whereas it is necessary to include daytime running lamps, third stop lamps and side marker lamps within the scope of Directive 76/758/EEC;

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 76/758/EEC is hereby amended as follows:

1. The title is replaced by the following:

   'on the approximation of the laws of the Member States relating to the end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps for motor vehicles and their trailers.'

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

   '1. Member States shall grant EC component type-approval in respect of any type of end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps which satisfies 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 end-outline marker lamp, front position (side) lamp, rear position

[1] OJ No L 42, 23. 2. 1970, p. 1.
[2] OJ No L 18, 21. 1. 1997, p. 7.
[3] OJ No L 262, 27. 9. 1976, p. 54.
[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.

(side) lamp, stop lamp, daytime running lamp and side marker lamp which they approve pursuant to Article 1, issue to the manufacturer an EC component type-approval mark conforming to the models shown in Annex I, Appendix 3.

Member States shall take all appropriate measures to prevent the use of marks liable to create confusion between end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps 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 end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps on grounds relating to their construction or method of functioning if they bear the EC component type-approval mark.

2. Nevertheless, a Member State may prohibit the placing on the market of end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps 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. Article 5 (1) is replaced by the following:

'1. If the Member State which has granted EC component type-approval finds that a number of end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps 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. The competent authorities of that State shall advise those of the other Member States of the measures taken, which may, where there is consistent failure to conform, extend to withdrawal of EC component type-approval. The said authorities shall take the same measures if they are informed by the competent authorities of another Member State of such failure to conform.'

5. Articles 6 to 9 are replaced by the following:

'*Article 6*

Any decision taken pursuant to the provisions adopted in implementation of this Directive, to refuse or withdraw EC component type-approval for end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps, or prohibit their placing on the market or use shall set out in detail the reasons on which it is based. Such decisions shall be notified to the party concerned, who shall at the same time be informed of the remedies available to him under the laws in force in the Member States and of the time limits allowed for the exercise of such remedies.

Article 7

No Member State may refuse to grant EC type-approval or national type-approval of any vehicle on grounds relating to its end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps 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, registration, entry into service or use of any vehicle on grounds relating to its end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps 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, and its trailers, with the exception of vehicles which run on rails and of agricultural and forestry tractors and all mobile machinery.'

6. 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 end-outline marker lamps, front position (side) lamps,

rear position (side) lamps, stop lamps, daytime running lamps and side marker 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 end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps,

provided that the lamps comply with the requirements of Directive 76/758/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 end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps, and for any type of end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamp, daytime running lamp and side marker lamp, if the requirements of Directive 76/758/EEC, as amended by this Directive, are not fulfilled.

3. From 1 October 1999 the requirements of Directive 76/758/EEC relating to end-outline marker lamps, front position (side) lamps, rear position (side) lamps, stop lamps, daytime running lamps and side marker lamps as components, as amended by this Directive, are 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 end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps, and to permit their sale and entry into service, in accordance with previous versions of Directive 76/758/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 Regulations No 7, 87 and 91 referred to in Annexes II, III and IV, items 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 these 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 20 day following 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 for end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps

ANNEX III: Scope and technical requirements for daytime running lamps

ANNEX IV: Scope and technical requirements for side marker lamps

ANNEX I

ADMINISTRATIVE PROVISIONS FOR TYPE-APPROVAL

1. THIS ANNEX DEALS WITH THE COMPONENT TYPE-APPROVAL OF

1.1. end-outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps intended for use on motor vehicles and their trailers and complying with the requirements set out in Annex II;

1.2. daytime running lamps intended for use on motor vehicles and complying with the requirements set out in Annex III;

1.3. side marker lamps intended for use on motor vehicles and their trailers and complying with the requirements set out in Annex IV.

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 end-outline marker lamp, front position (side) lamp, rear position (side) lamp, stop lamp, daytime running lamp and side marker lamp shall be submitted by the manufacturer.

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

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

2.3.1. Two samples, equipped with the lamp or lamps recommended; if the approval is applied for devices which are not identical but are symmetrical and suitable for mounting one on the left and one on the right side of the vehicle, and/or, alternatively, one towards the front and one towards the rear, 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 and/or, alternatively, only towards the front or only towards the rear; in the case of a stop lamp with two levels of intensity, the application shall also be accompanied by two samples of the parts constituting the system which ensures two levels of intensity.

3. MARKINGS

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

3.1.1. the trade name or mark of the manufacturer;

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

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

3.2. 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.

3.3. Each device shall have sufficient space for the component type-approval mark. This space shall be indicated on the drawings referred to in Appendix 1.

4. GRANTING OF EC COMPONENT TYPE-APPROVAL

4.1. 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.

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

4.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of end-outline marker lamp, front position (side) lamp, rear position (side) lamp, stop lamp, daytime running lamp and side marker lamp approved. The same Member State shall not assign the same number to another type of end-outline marker lamp, front position (side) lamp, rear position (side) lamp, stop lamp, daytime running lamp and side marker lamp.