COMMISSION DIRECTIVE 97/29/EC

of 11 June 1997

adapting to technical progress Council Directive 76/757/EEC relating to retro-reflectors 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 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 76/757/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to retro-reflectors 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 76/757/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 provided for in Directive 76/757/EEC must be amended accordingly;

Whereas the procedures need to 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 when the said regulations are amended; whereas, as a first step, the technical requirements of Directive 76/757/EEC need to be replaced by those of Regulation No 3 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);

Whereas a discrepancy in the technical terminology used has been noted between the English version of Directive 76/757/EEC and the other language versions; whereas it is desirable to correct that language version;

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 76/757/EEC is hereby amended as follows:

1. The title term 'reflex reflector(s)' is replaced by the term 'retro-reflectors'.

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

   '1. Each Member State shall grant EC component type-approval for any type of retro-reflector which satisfies the construction and texting requirements laid down in the relevant Annexes.'

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

   'Member States shall, for each type of retro-reflector 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 3.'

4. 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 262, 27. 9. 1976, p. 32.
(4) OJ No L 262, 27. 9. 1976, p. 1.
(5) See p. 1 of this Official Journal.

5. 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.'

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

Article 2

1. 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, Member States may not, on grounds relating to retro-reflectors:

— refuse, in respect of a type of vehicle or a type of retro-reflector, 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 retro-reflectors,

provided that the retro-reflectors comply with the requirements of Directive 76/757/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 retro-reflectors, and for any type of retro-reflector, if the requirements of Directive 76/757/EEC, as amended by this Directive, are not fulfilled.

3. From 1 October 1999 the requirements of Directive 76/757/EEC relating to retro-reflectors 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 retro-reflectors, and to permit their sale and entry into service, in accordance with previous versions of Directive 76/757/EEC, provided that such retro-reflectors

— 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 3 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, they 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

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 retro-reflector 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. in the case of retro-reflectors of either Class I A or III A,

1.3.1.1. ten (10) samples of the colour specified by the manufacturer;

1.3.1.2. if necessary, two samples in other colour(s) for simultaneous or subsequent extension of the approval to retro-reflectors in other colour(s);

1.3.2. in the case of retro-reflectors of Class IV A, ten (10) samples and, if necessary, the means of fixation.

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. the mark "TOP" appearing horizontally at the top of the illuminating surface, if required to determine unequivocally the angle or angles of rotation specified by the manufacturer.

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 shall be indicated on the drawings referred to in Appendix I.

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 retro-reflector approved. The same Member State shall not assign the same number to another type of retro-reflector.

3.4. Where EC component type-approval is requested for a type of lighting and light-signalling device comprising a retro-reflector and other lamps, a single EC component type-approval number may be assigned provided that the retro-reflector 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 retro-reflector 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	12 for Austria
2 for France	13 for Luxembourg
3 for Italy	17 for Finland
4 for the Netherlands	18 for Denmark
5 for Sweden	21 for Portugal
6 for Belgium	23 for Greece
9 for Spain	IRL for Ireland;
11 for the United Kingdom	

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 76/757/EEC on the date EC type-approval was granted. In this Directive the sequence number is 02;

4.2.3. an additional symbol as follows:

4.2.3.1. "I A", "III A" or "IV A" denoting the class in which the retro-reflector was placed when approved.

4.3. The EC component type-approval mark shall be affixed to the light-emitting surface of the retro-reflector in such a way as to be indelible and clearly legible even when the retro-reflector is 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 retro-reflector 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:

4.7.1. either on the appropriate light-emitting surface;

4.7.2. or in a group, in such a way that each of the grouped, combined or reciprocally incorporated lamps may be clearly identified.

4.8. The dimensions of the components of this mark must not be less than the minimum dimensions specified for individual marks by the various Directives pursuant to which EC component type-approval was granted.