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(Acts whose publication is obligatory)

COMMISSION DIRECTIVE 97/28/EC

of 11 June 1997

adapting to technical progress Council Directive 76/756/EEC relating to the installation of lighting and light-signalling devices on 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 76/756/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers [3], as last amended by Commission Directive 91/663/EEC [4], and in particular Article 5 thereof,

Whereas Directive 76/756/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 76/756/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 76/756/EEC need to be replaced by those of Regulation No 48 by way of cross-reference;

Whereas, in order to improve road traffic safety, it has *inter alia* been decided to require the mandatory installation of a third stop lamp on vehicles of category M_1 and to permit the optional installation of daytime running lamps on motor vehicles;

Whereas there is a need to examine further the optional provisions relating to the performance requirements of individual lighting and light signalling devices and their installation on motor vehicles and their trailers; whereas it is essential that the necessary technical work be completed so that further amendments can be introduced expeditiously into Directive 76/756/EEC;

Whereas reference is made to Council Directive 76/757/EEC [5], as last amended by Commission Directive 97/29/EC [6];

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,

[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. 1.
[4] OJ No L 366, 31. 12. 1991, p. 17.
[5] OJ No L 262, 27. 9. 1976, p. 32.
[6] See p. 11 of this Official Journal.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 76/756/EEC is hereby amended as follows:

1. The first sentence of Article 4 is replaced by the following:

   'A Member State which has granted EC type-approval shall take the necessary measures to ensure that it is informed of any modification to any of the parts or characteristics referred to in the definition of vehicle type with regard to the installation of lighting and light-signalling devices.'

2. 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 the installation of lighting and light-signalling devices,

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

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

provided that the vehicles comply with the requirements of Directive 76/756/EEC, as amended by this Directive.

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 the installation of lighting and light-signalling devices, if the requirements of Directive 76/756/EEC, as amended by this Directive, are not complied with.

3. From 1 October 2000 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 which are not accompanied by a certificate of conformity in accordance with Directive 70/156/EEC on grounds relating to the installation of lighting and light-signalling devices, if the requirements of Directive 76/756/EEC, as amended by this Directive, are not complied with.

Article 3

The paragraphs and annexes of UN-ECE Regulation No 48 referred to in Annex II, item 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

ANNEX II: Technical requirements

ANNEX I

ADMINISTRATIVE PROVISIONS FOR TYPE-APPROVAL

1. APPLICATION FOR EC TYPE-APPROVAL OF A VEHICLE TYPE

1.1. The application for EC type-approval pursuant to Article 3 (4) of Directive 70/156/EEC of a vehicle type with regard to the installation of its lighting and light-signalling devices 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. a vehicle representative of the type to be approved.

2. GRANTING OF EC TYPE-APPROVAL OF A VEHICLE TYPE

2.1. If the relevant requirements are complied with, EC type-approval pursuant to Article 4 (3) of Directive 70/156/EEC shall be granted.

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

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

3. MODIFICATIONS OF THE TYPE AND AMENDMENTS TO APPROVALS

3.1. In the case of modifications of the type approved pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.

4. CONFORMITY OF PRODUCTION

4.1. As a general rule, measures to ensure the conformity of production shall be taken in accordance with the provisions laid down in Article 10 of Directive 70/156/EEC.

4.2. Specific requirements with respect to the tests to be carried out are laid down in Annex 9 of the documents referred to in item 1 of Annex II to this Directive.

Appendix 1

Information document No ...

pursuant to Annex I of Council Directive 70/156/EEC relating to the EC type-approval of a vehicle with respect to the installation of lighting and light-signalling devices (Directive 76/756/EEC, as last amended by Directive .../.../EC) (*)

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0. GENERAL

0.1. Make (trade name of manufacturer): .....

0.2. Type and general commercial description(s): .....

0.3. Means of identification of type, if marked on the vehicle (b): .....

0.3.1. Location of that marking: .....

0.4. Category of vehicle (c): .....

0.5. Name and address of manufacturer: .....

0.8. Address(es) of assembly plant(s):

1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE

1.1. Photographs and/or drawings of a representative vehicle: .....

1.8. Hand of drive: left/right (1)

1.8.1. Vehicle is equipped to be driven in right/left (1) hand traffic

2. MASSES AND DIMENSIONS (e) (in kg and mm)

2.1. Wheel base(s) (fully loaded) (f): .....

2.4. Range of vehicle dimensions (overall)

2.4.1. For chassis without bodywork

2.4.1.1. Length (j): .....

2.4.1.2. Width (k): .....

2.4.1.2.1. Maximum width: .....

2.4.1.2.2. Minimum width: .....

2.4.1.3. Height (unladen) (1) (for suspensions adjustable for height, indicate normal running position): .....

2.4.2. For chassis with bodywork

2.4.2.1. Length (j): .....

2.4.2.2. Width (k): .....

2.4.2.3. Height (unladen) (1) (for suspensions adjustable for height, indicate normal running position): .....

(*) The item numbers and footnotes used in this information document correspond to those set out in Annex I to Directive 70/156/EEC. Items not relevant for the purposes of this Directive are omitted.