COMMISSION DIRECTIVE 96/64/EC

of 2 October 1996

adapting to technical progress Council Directive 77/389/EEC on the approximation of the laws of the Member States relating to motor vehicle towing devices

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/389/EEC of 17 May 1977 on the approximation of the laws of the Member States relating to motor vehicle towing-devices [1], and in particular Article 4 thereof,

Whereas Directive 77/389/EEC is one of the separate directives of the EC type-approval procedure which has been established by Directive 70/156/EEC [2], as last amended by Directive 96/27/EC [3]; 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 computerized;

Whereas these amendments relate only to the administrative provisions contained in the Directive; whereas it is not necessary therefore to invalidate existing approvals to the Directive nor to prevent the registration, sale and entry into service of new vehicles covered by such approvals;

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

1. The Articles of Directive 77/389/EEC are amended as follows:

— Article 1 reads as follows: '... with the exception of vehicles which run on rails and of agricultural and forestry tractors and all mobile machinery.',

— in Article 2 'Annex' is replaced by 'Annex II',

— in Article 3 'Annex' is replaced by 'Annex II',

— in Article 4 'this Annex' is replaced by 'the Annexes'.

2. The Annex to Directive 77/389/EEC are amended in accordance with the Annex to this Directive.

Article 2

With effect from 1 October 1997, Member States:

— shall no longer grant EC type-approval pursuant to Article 4 (1) of Directive 70/156/EEC, and

— may refuse national type-approval

for a new type of vehicle on grounds relating to the towing devices, if it fails to comply with the provisions of Directive 77/389/EEC, as amended by this Directive.

This Directive will not invalidate any approval previously granted under Directive 77/389/EEC nor prevent extension of such approvals under terms of Directive under which they were originally granted.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 October 1997. They shall forthwith inform the Commission thereof.

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

[1] OJ No L 145, 13. 6. 1977, p. 41.
[2] OJ No L 42, 23. 2. 1970, p. 1.
[3] OJ No L 169, 8. 7. 1996, p. 1.

2. Member States shall communicate to the Commission the texts of the main procedure of the national law that they adopt 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, 2 October 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

AMENDMENTS TO THE ANNEX TO DIRECTIVE 77/389/EEC

1. A list of Annexes is inserted between the Articles and the Annex to read as follows:

'LIST OF ANNEXES

Annex I: Administrative provisions for type-approval
Appendix 1: Information document
Appendix 2: Type-approval certificate
Annex II: Towing-devices'

2. A new Annex I is inserted to read:

'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 its towing 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 satisfied, EC type-approval pursuant to Article 4 (3) and, if applicable, 4 (4) 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 shall 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. 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.'