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COMMISSION DIRECTIVE 96/37/EC

of 17 June 1996

adapting to technical progress Council Directive 74/408/EEC relating to the interior fittings of motor vehicles (strength of seats and of their anchorages)

(Text with EEA relevance)

(OJ L 186, 25.7.1996, p. 28)

Corrected by:

►**C1** Corrigendum, OJ L 221, 31.8.1996, p. 71 (96/37/EC)

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COMMISSION DIRECTIVE 96/37/EC

of 17 June 1996

adapting to technical progress Council Directive 74/408/EEC relating to the interior fittings of motor vehicles (strength of seats and of their anchorages)

(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 Commission Directive 95/54/EC [2], and in particular Article 13 (2) thereof,

Having regard to Council Directive 74/408/EEC of 22 July 1974 on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (strength of seats and of their anchorages) [3], as last amended by Commission Directive 81/577/EEC [4], and in particular Article 5 thereof,

Whereas Directive 74/408/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 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 computerised;

Whereas it is possible further to adapt this Directive in the light of technical progress so as to improve the protection provided for passengers in motor vehicles in respect of the strength of the seats and the fitting of head restraints, by requiring compliance with the technical provisions of United Nations Economic Commission for Europe Regulation 17.04 and, in particular, the height of head restraints envisaged for the 05 series of amendments to that Regulation;

Whereas it is also possible to require head restraints to be fitted to the outboard front seats in vehicles in categories M_1, N_1 and M_2 with a gross weight not exceeding 3 500 kg so as to minimize the risk of neck injuries in rear-end collisions;

Whereas the procedure for determining the H-point of a seat is given in Annex III to Council Directive 77/649/EEC [5], as last amended by Commission Directive 90/630/EEC [6], and consequently it is not necessary to give it again in this Directive; whereas reference is made to Council Directive 74/60/EEC [7], as last amended by Commission Directive 78/632/EEC [8], and to Council Directive 78/932/EEC [9];

Whereas future consideration should be given to the development of seat strength requirements specific to M_2 vehicles, based on experience and accident research. Whereas future consideration should be given to the performance of seats subject to the combined loading of a restrained occupant and an unrestrained passenger behind; whereas a research

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[1] OJ No L 42, 23. 2. 1970, p. 1.
[2] OJ No L 266, 8. 11. 1995, p. 1.
[3] OJ No L 221, 12. 8. 1974, p. 1.
[4] OJ No L 209, 29. 7. 1981, p. 34.
[5] OJ No L 267, 19. 10. 1977, p. 1.
[6] OJ No L 341, 6. 12. 1990, p. 20.
[7] OJ No L 38, 11. 2. 1974, p. 2.
[8] OJ No L 206, 29. 7. 1978, p. 26.
[9] OJ No L 325, 20. 11. 1978, p. 1.

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programme should be undertaken in the next two years with a view to developing a new static seat test procedure which provides an equivalent level of safety compared with the existing dynamic test;

Whereas future consideration should be given to further improvement of the protection provided by head restraints, based on a review of injury patterns, including the possible introduction of neck injury as a performance criterion, based on the use of the Hybrid III test dummy;

Whereas the entry into force of an amendment to Council Directive 77/541/EEC [1], as last amended by Commission Directive 90/628/EEC [2], to require seat belts in M_2 and M_3 vehicles is dependent upon the adaptation to technical progress of Council Directive 76/115/EEC [3], as last amended by Commission Directive 90/629/EEC [4], on the anchorages for seat belts and this Directive on the strength of seats;

Whereas the provisions of 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 title of Directive 74/408/EEC shall be amended to read:

'Council Directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints.'

2. The Articles of Directive 74/408/EEC are amended as follows:

(1) Article 1 shall read at the end: '… with the exception of vehicles which run on rails and of agricultural and forestry tractors and all mobile machinery.';

(2) Article 2 shall read: '… on grounds relating to the strength of the seats or their anchorages, or to grant EEC type-approval or national type-approval of a seat on grounds relating to its strength and occupant protection capability, if these meet the requirements set out in Annexes II or III, as applicable, when the vehicle belongs to category M and is equipped with seat belts, and the requirements set out in Annex IV when the vehicle belongs to category M_2 or M_3 not equipped with seat belts or to category N. The vehicle categories are defined in Annex IIA to Directive 70/156/EEC.';

(3) Article 3 shall read: '… on grounds relating to the strength of the seats or their anchorages, or prohibit the sale, entry into service or use of any seat on grounds relating to its strength and occupant protection capability, if these meet the requirements of the relevant Annexes depending on the category to which the vehicle belongs as set out in Article 2.';

(4) In Article 4, replace 'Annex I, 2.2' by 'Annex II, 2.2, Annex III, 2.3 or Annex III, 2.4, as applicable';

(5) In Article 5, replace 'Annexes I to IV' by 'the Annexes'.

3. The Annexes of Directive 74/408/EEC are hereby amended in accordance with the Annex to this Directive.

Article 2

1. With effect from 1 January 1997 no Member State may, on grounds relating to seats, anchorages and head restraints:

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

(1) OJ No L 220, 29. 8. 1977, p. 95.
(2) OJ No L 341, 6. 12. 1990, p. 1.
(3) OJ No L 24, 30. 1. 1976, p. 6.
(4) OJ No L 341, 6. 12. 1990, p. 14.

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

if the seats, their anchorages and head restraints comply with the requirements of Directive 74/408/EEC as amended by this Directive.

2. With effect from 1 October 1999 for vehicles of category M_2 with a maximum mass not exceeding 3 500 kg and all other vehicles from 1 October 1997, Member States:

— shall no longer grant EC type-approval, and

— may refuse to grant national type-approval,

for a type of vehicle on grounds relating to the seats, their anchorages and head restraints, and for a type of seat if the requirements of Directive 74/408/EEC, as amended by this Directive, are not fulfilled.

3. With effect from 1 October 2001 for vehicles of category $M_2$with a maximum mass not exceeding 3 500 kg and all other vehicles in category M and N_1 from 1 October 1999, 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,

— 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, and

— may refuse the sale and entry into service of new seats,

on grounds relating to their seats, anchorages and head restraints if the requirements of Directive 74/408/EEC, as amended by this Directive, are not fulfilled.

4. With effect from 1 October 1999 the requirements of Directive 74/408/EEC relating to seats as components, as amended by this Directive, are applicable for the purposes of Article 7 (2) of Directive 70/156/EEC.

Article 3

Within two years from the date mentioned in Article 4, a review shall be undertaken by the Commission of the following issues:

— the equivalence of static seat testing for the purposes of Annex III,

— the requirements for head restraints for the purposes of Annex II,

— specific seat strength requirements for M_2 vehicles,

— strength requirements for seat when subjected to combined loading,

— the applicability of seat belts to side-facing seats.

On the basis of the results of this review, a further amendment of the Directive may be proposed in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC.

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1996 and shall forthwith inform the Commission thereof.

When the Member States adopt these provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the 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 governed by this Directive.

Article 5

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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Article 6

This Directive is addressed to the Member States.