COMMISSION DIRECTIVE 96/36/EC

of 17 June 1996

adapting to technical progress Council Directive 77/541/EEC relating to safety belts and restraint systems of motor vehicles

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

Having regard to Council Directive 77/541/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles [3], as last amended by Commission Directive 90/628/EEC [4], and in particular Article 10 thereof,

Whereas Directive 77/541/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 seperate 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 in the light of technical progress it is possible to improve the protection provided for passengers by requiring the installation of three-point belts with retractors for the rear outboard seats of motor vehicles of category M_1;

Whereas a warning should be fitted to all passenger seating positions where an airbag is installed, to inform the users of the vehicle that an airbag is present and consequently no rearward-facing child restraint should be fitted in that seat; whereas this Directive should be further amended when an optimum design of pictogram has been internationally accepted;

Whereas it is possible to improve the protection provided for passengers against ejection in case of an accident by requiring a minimum of lap belts with retractors for all forward and rear-facing seating positions in motor vehicle sof categories M_2 and M_3, and in the case of certain M_2 vehicles lap and diagonal belts, as foreseen in Directive 90/628/EEC (except those vehicles which are designed for both urban use and standing passengers);

Whereas the entry force of an amendment to this Directive to require such seat belts in M_2 and M_3 vehicles is conditional upon the adaptation to technical progress of Council Directive 76/115/EEC [5], as last amended by Commission Directive 90/629/EEC [6], on seat belt anchorages, and Council Directive 74/408/EEC [7] on the strength of seats;

Whereas the protection of passengers, especially in the centre rear seating position of cars, against both projection and ejection in the case of an accident must be improved and further modifications to the Directive should be introduced for this purpose;

Whereas the effectiveness of the measures set out in this Directive for enhacing the protection of passengers in coaches and buses are dependant on the wearing of the seat belts prescribed; whereas this Directive needs to be complemented by an amendment to Council Directive 91/671/EEC [8] on the wearing of seat belts;

Whereas reference is made to Council Directive 74/60/EEC [9], as last amended by Directive 78/632/EEC [10], relating to the interior fittings of motor vehicles;

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

Directive 77/541/EEC shall be amended as follows:

[1] OJ No L 42, 23. 2. 1970, p. 1.
[2] OJ No L 266, 8. 11. 1995, p. 1.
[3] OJ No L 220, 29. 8. 1977, p. 95.
[4] OJ No L 341, 6. 12. 1990, p. 1.
[5] OJ No L 24, 30. 1. 1976, p. 6.
[6] OJ No L 341, 6. 12. 1990, p. 14.
[7] OJ No L 221, 12. 8. 1974, p. 1.
[8] OJ No L 373, 31. 12. 1991, p. 26.
[9] OJ No L 38, 11. 2. 1974, p. 2.
[10] OJ No L 206, 29. 7. 1978, p. 26.

1. — In Article 2, first paragraph, the words '..., or to his authorized representative, ...' shall be deleted,

— Article 4 shall be 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 type of safety belt and restraint systems for which an approval has been granted, refused or withdrawn.'

— In Article 9, 'Annex I' shall be replaced by 'Annex II A'.

2. A list of Annexes shall be included and the Annexes to Directive 77/541/EEC shall be amended in accordance with the Annex to this Directive.

3. In other languages the former term used for 'type-approval' is replaced by a new term.

Article 2

1. With effect from 1 January 1997, no Member State may, on grounds relating to safety belts and restraint systems:

— refuse, in respect of a type of motor vehicle, safety belt or restraint system, 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 safety belts or restraint systems,

if the safety belts and restraint systems comply with the requirements of Directive 77/541/EEC as amended by this Directive.

2. Subject to the provisions of paragraph 5, with effect from 1 October 1999 for M_2 vehicles of 3,5 tonnes or less 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 safety belts and restraint systems, and for a type of safety belt or restraint system, if the requirements of Directive 77/541/EEC, as amended by this Directive, are not fulfilled.

3.1. Subject to the provisions of paragraph 5, in the case of vehicles in category M_2 with a maximum mass not exceeding 3 500 kg with effect from 1 October 2001 and for and all other vehicles in category M 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, and

— may refuse the registration, sale or 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 safety belts and restraint systems,

on grounds relating to safety and restraint systems if the requirements of Directive 77/541/EEC, as amended by this Directive, are not fulfilled.

3.2. With effect from 1 October 1999 the requirements of Directive 77/541/EEC as amended by this Directive, relating to safety belts and restraint systems as components, are applicable for the purposes of Article 7 (2) of Directive 70/156/EEC.

4. Notwithstanding paragraphs 2 and 3.2 above, for the purposes of replacement parts, Member States shall continue to grant EC type-approval, and to permit the sale and entry into service, of safety belts and restraint systems in accordance with previous versions of Directive 77/541/EEC provided that such safety belts or restraint systems:

— 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.

5. Notwithstanding paragraphs 2 and 3.1 above, in relation to the provision of an airbag warning label in accordance with item 3.1.11 of Annex I, the provisions of these paragraphs shall apply from 1 January 1997.

Article 3

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 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 17 June 1996.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

A list of Annexes is added as follows:

LIST OF ANNEXES

ANNEX I:	Scope, definitions, EEC component type-approval, installation requirements
ANNEX II:	Type-approval documentation
	Appendix 1. Information document (component)
	Appendix 2. Information document (vehicle)
	Appendix 3. Type-approval certificate (component)
	Appendix 4. Type-approval certificate (vehicle)
ANNEX III:	EEC component type-approval marks
ANNEX IV:	Example of an apparatus to test durability of retractor mechanism
ANNEX V:	Example of an apparatus to test locking of emergency locking retractors
ANNEX VI:	Example of apparatus to test the dust resistance of retractors
ANNEX VII:	Description of trolley, seat, anchorages and stopping device
ANNEX VIII:	Description of manikin
ANNEX IX:	Curve of trolley deceleration
ANNEX X:	Instructions for use
ANNEX XI:	Dual buckle test
ANNEX XII:	Abrasion and microslip test
ANNEX XIII:	Corrosion test
ANNEX XIV:	Chronological order of tests
ANNEX XV:	Safety belt installation showing the belt types and retractor types
ANNEX XVI:	Conformity of production

Annex I is amended as follows:

— item 0 is amended to read as follows:

'0. **Scope**

This Directive applies to safety belts and restraint systems which are designed for installation in vehicles conforming to the definition given in Article 9 and are intended for separate use, i.e. as individual fittings, by persons of adult build occupying forward or rearward-facing seats.',

— five new items are added after item 1.22 to read:

'1.23. "Reference zone" means the space between two vertical longitudinal planes, 400 mm apart and symmetrical with respect to the H-point, and defined by rotation of the apparatus, described in Annex II of Directive 74/60/EEC, from vertical to horizontal. The apparatus shall be positioned as described in that Annex and set to the maximum length of 840 mm.

1.24. "Airbag assembly" means a device installed to supplement safety belts and restraint systems in power-driven vehicles, i.e. systems which, in the event of a severe impact affecting the vehicle automatically deploy a flexible structure intended to limit, by compression of the gas contained within it, the gravity of the contracts of one or more parts of the body of an occupant of the vehicle with the interior of the passenger compartment.

1.25. "Passenger airbag" means an airbag assembly intended to protect occupant(s) in seats other than the driver's in the event of a frontal collision.

1.26. "Child restraint" means an arrangement of components which may comprise a combination of straps or flexible components with a securing buckle, adjusting devices, attachments, and in some cases a supplementary chair and/or an impact shield, capable of being anchored to a power-driven vehicle. It is also so designed as to diminish the risk of injury to the wearer, in the event of a collision or of abrupt deceleration of the vehicle, by limiting the mobility of the wearer's body.

1.27. "Rearward-facing" means facing in the direction opposite to the normal direction of travel of the vehicle.',

— items 1.8.4.1 and 1.8.4.2 are amended to read:

'1.8.4.1. Deceleration of the vehicle (single sensitivity).

1.8.4.2. A combination of the deceleration of the vehicle, movement of the webbing or any other automatic means (multiple sensitivity).',

— item 2.1.1 is amended to read:

'2.1.1. The application for EEC component type-approval pursuant to Article 3 (4) of Directive 70/156/EEC of a type of safety belt shall be submitted by the manufacturer.

The application for EEC component type-approval pursuant to Article 3 (4) of Directive 70/156/EEC of a type of restraint system shall be submitted by the manufacturer or by the manufacturer of the vehicle in which it is to be installed.',

— item 2.1.2 is amended to read:

'2.1.2. A model for the information document is given in Appendix 1 of Annex II. The following samples must be submitted to the technical service conducting the type-approval tests:',

— item 2.1.2.1 is deleted,

— items '2.1.2.2, 2.1.2.3, and 2.1.2.4' are renumbered '2.1.2.1, 2.1.2.2 and 2.1.2.3' respectively,

— item 2.1.3 is amended to read:

'2.1.3. In the case of restraint systems, two samples shall be submitted by the applicant to the technical service conducting approval tests for the restraint system. These may include two of the samples of belts mentioned in 2.1.2.1 and, at the manufacturer's choice, either a vehicle representative of the vehicle type to be approved, or the part or parts of the vehicle considered essential by the service.',