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COMMISSION DIRECTIVE 95/56/EC

of 8 November 1995

adapting to technical progress Council Directive 74/61/EEC relating to devices to prevent the unauthorized use of motor vehicles

(Text with EEA relevance)

(OJ L 286, 29.11.1995, p. 1)

Corrected by:

►**C1** Corrigendum, OJ L 40, 13.2.1998, p. 19 (95/56)

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COMMISSION DIRECTIVE 95/56/EC

of 8 November 1995

adapting to technical progress Council Directive 74/61/EEC relating to devices to prevent the unauthorized use of motor vehicles

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

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 93/81/EEC ([2]), and in particular Article 13 (2) thereof,

Having regard to Council Directive 74/61/EEC of 17 December 1973 on the approximation of the laws of the Member States relating to devices to prevent the unauthorized use of motor vehicles ([3]), and in particular Article 5 thereof,

Whereas Directive 74/61/EEC is one of the separate Directives within the EEC type-approval procedure which has been established by Council Directive 70/156/EEC; whereas, consequently, the provisions laid down in Directive 70/156/EEC concerning vehicle systems, components and separate technical units apply to this Directive;

Whereas, in particular, Article 3 (4) and Article 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 view of experience gained and of the state of the art, and in particular of the corresponding regulation of the United Nations Economic Commission for Europe, it is now appropriate to adapt the requirements for the above devices by adding requirements for alarm systems and immobilizers;

Whereas, the audible signal of the alarm device can be emitted by audible warning devices as established by Council Directive 70/388/EEC ([4]);

Whereas other measures, such as those relating to the locking of the doors and of the luggage boot, will be taken at a later date with a view to strengthening more the means of dissuasion against an unauthorized use of the vehicles; whereas, in addition, the provisions of this Directive should be re-examined after a short period with a view to strengthening them further, *inter alia*, to cover other vehicles; whereas the Commission will draw up a report on these questions by December 1996 at the latest, accompanied, where appropriate, by new proposals;

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,

([1]) OJ No L 42, 23. 2. 1970, p. 1.
([2]) OJ No L 264, 23. 10. 1993, p. 49.
([3]) OJ No L 38, 11. 2. 1974, p. 22.
([4]) OJ No L 176, 10. 8. 1970, p. 12.

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HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Directive 74/61/EEC shall be amended as follows:

— Article 1 to replace '…, with or without bodywork, …' by '…, being complete or incomplete, …' and '… rails, agriculture tractors and machinery and engineering plant.' by '… rails and of agricultural and forestry tractors and all mobile machinery.',

— in Article 2 and 3, replace 'Annex I' by 'the relevant Annexes',

— in Article 4, replace 'item 2.2 of Annex I' by 'the relevant Annexes',

— in Article 5, replace 'Annexes I and II' by 'the Annexes'.

2. A list of Annexes shall be added before the Annexes, and the Annexes to Directive 74/61/EEC shall be replaced by the Annexes to this Directive.

Article 2

1. With effect from 1 May 1996 Member States may not:

— refuse, in respect of a type of motor vehicle, a type of immobilizer or a type of alarm system, to grant EEC type-approval or to grant national type-approval, or

— prohibit the registration, sale or placing in service of vehicles or the sale or entry into service of immobilizers or alarm systems,

on grounds relating to devices to prevent the unauthorized use of motor vehicles, if those devices comply with the requirements of Directive 74/61/EEC as amended by this Directive.

2. With effect from 1 January 1997, the Member States:

— shall no longer grant EEC type-approval, and

— may refuse to grant national type-approval,

for a type of vehicle on grounds relating to devices to prevent unauthorized use or for a type of immobilizer or for a type of alarm system, if the requirements of Directive 74/61/EEC, as amended by this Directive, are not fulfilled.

3. With effect from 1 October 1998, the 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,

— may refuse the sale and entry into service of new immobilizers or new alarm systems,

on grounds relating to devices to prevent unauthorized use, if the requirements of Directive 74/61/EEC, as amended by this Directive, are not fulfilled.

4. With effect from 1 October 1998 the requirements of this Directive relating to immobilizers and to alarm systems as component or separate technical unit are applicable for the purposes of Article 7 (2) of Directive 70/156/EEC.

Article 3

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

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

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3. Member States shall communicate to the Commission the texts of the main provisions of 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.

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