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COMMISSION DIRECTIVE 95/48/EC

of 20 September 1995

adapting to technical progress Council Directive 92/21/EEC relating to the masses and dimensions of motor vehicles of category M_1

(Text with EEA relevance)

(OJ L 233, 30.9.1995, p. 73)

Corrected by:

►**C1** Corrigendum, OJ L 252, 20.10.1995, p. 27 (95/48)

►**C2** Corrigendum, OJ L 304, 16.12.1995, p. 60 (95/48)

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COMMISSION DIRECTIVE 95/48/EC

of 20 September 1995

adapting to technical progress Council Directive 92/21/EEC relating to the masses and dimensions of motor vehicles of category M_1

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

Having regard to Council Directive 92/21/EEC of 31 March 1992 on the approximation of the laws of the Member States relating to the masses and dimensions of motor vehicles of category M_1 ([3]), and in particular Article 3 thereof,

Whereas Directive 92/21/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 provision laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to this Directive;

Whereas reference is made to Council Directive 77/649/EEC ([4]), as last amended by Commission Directive 90/630/EEC ([5]), which contains the procedure for determining a reference point for seating positions in motor vehicles and, consequently, it is not necessary to repeat it in this Directive; whereas reference is also made to Council Directive 92/23/EEC ([6]);

Whereas, in the light of experience gained so far with the practical application of Directive 92/21/EEC, it is necessary to specify more precisely certain provisions contained therein in order to ensure uniform interpretation in all Member States;

Whereas it will be necessary in the future to lay down special loading conditions for seats which are not designed for, or capable of, accommodating adult passengers; whereas, however, the definition of such seats and the specification of the loading conditions require further consideration; whereas, therefore, the corresponding amendments shall be postponed to a later date;

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. In Article 1 to Directive 92/21/EEC, ‘Annex I to Directive 70/156/EEC’ shall be replaced by ‘Annex II A to Directive 70/156/EEC’.

2. The Annexes to Directive 92/21/EEC shall be replaced by the Annexes to this Directive and a list of Annexes shall be inserted between the Articles and Annex I.

([1]) OJ No L 42, 23. 2. 1970, p. 1.
([2]) OJ No L 264, 23. 10. 1993, p. 49.
([3]) OJ No L 129, 14. 5. 1992, p. 1.
([4]) OJ No L 267, 19. 10. 1977, p. 1.
([5]) OJ No L 341, 6. 12. 1990, p. 20.
([6]) OJ No L 129, 14. 5. 1992, p. 95.

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Article 2

1. With effect from 1 January 1996 Member States may not, on grounds relating to the masses and dimensions:

— refuse, in respect of a type of motor vehicle of category M_1, to grant EEC type-approval or national type-approval, or

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

if the vehicles comply with the requirements of Directive 92/21/EEC, as amended by this Directive.

2. With effect from 1 January 1997 Member States:

— shall no longer grant EEC type-approval, and

— may refuse to grant national type-approval,

for a type of vehicle of category M_1 on grounds relating to its masses and dimensions, if the requirements of Directive 92/21/EEC, as amended by this Directive, are not fulfilled.

Article 3

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

2. 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 offficial publication. The methods of making such a reference shall be laid down by the Member States.

3. 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 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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LIST OF ANNEXES

Annex I: Administrative provisions for type-approval
Appendix 1: Information document
Appendix 2: Type-approval certificate
Annex II: Scope, definitions, requirements
Appendix: Method for verifying the masses of motor vehicles of category M_1

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ANNEX I

ADMINISTRATIVE PROVISIONS FOR TYPE-APPROVAL

1. Application for EEC type-approval of a vehicle type

1.1. The application for EEC type-approval pursuant to Article 3 (4) of Directive 70/156/EEC of a vehicle type of category M_1 with regard to its masses and dimensions must 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 EEC type-approval of a vehicle type

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

2.2. A model for the EEC 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. 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.