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(Acts whose publication is obligatory)

COMMISSION DIRECTIVE 94/68/EC

of 16 December 1994

adapting to technical progress Council Directive 78/318/EEC on the approximation of the laws of the Member States relating to the windscreen wiper and washer systems of motor vehicles

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], at last amended by Commission Directive 93/81/EEC [2], and in particular Article 13 (2) thereof,

Having regard to Council Directive 78/318/EEC of 21 December 1977 on the approximation of the laws of the Member States relating to the wiper and washer systems of motor vehicles [3], and in particular Article 5 thereof,

Whereas Directive 78/318/EEC is one of the separate directives of EEC type-approval procedure established under 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 require that each separate directive shall have 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 Council Directive 77/649/EEC of 27 September 1977 on the approximation of the laws of the Member States relating to the field of vision of motor vehicle drivers [4], as last amended by Commission Directive 90/630/EEC [5] established the procedure for determining different characteristics of vehicles which are to be maintained;

Whereas in the light of technical progress it is possible to adapt Directive 78/318/EEC in order to bring the test specifications and procedures closer to the actual operating conditions for these systems;

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 78/318/EEC shall be amended as follows:

1. In Article 1, the term between brackets 'as defined in Annex I to Directive 70/156/EEC' shall be replaced by the term 'as defined in Annex II A to Directive 70/156/EEC'.

2. Article 2 is amended as follows:

   (a) in the first indent the words 'Annexes I to V' are replaced by 'the relevant Annexes';

   (b) in the second and third indents the words 'within the meaning of Article 9a of Directive 70/156/EEC' are replaced by 'within the meaning of Article 2 of Directive 70/156/EEC'.

3. Article 3 is amended as follows:

   (a) paragraph 1 is amended as follows:

      (i) in the first indent the words 'Annexes I to V' are replaced by 'the relevant Annexes';

(1) OJ No L 42, 23. 2. 1970, p. 1.
(2) OJ No L 264, 23. 10. 1993, p. 49.
(3) OJ No L 81, 28. 3. 1978, p. 49.
(4) OJ No L 267, 19. 10. 1977, p. 1.
(5) OJ No L 341, 6. 12. 1990, p. 20.

(ii) in the second indent the words 'within the meaning of Article 9a of Directive 70/156/EEC' are replaced by 'within the meaning of Article 2 of Directive 70/156/EEC';

(b) in paragraph 2 the words 'within the meaning of Article 9a of Directive 70/156/EEC' are replaced by 'within the meaning of Article 2 of Directive 70/156/EEC'.

4. In Article 4, '2.2' is replaced by '2.1'.

5. In Article 5, the words 'Annexes I to VII' are replaced by 'the Annexes'.

6. The list of Annexes and Annexes I, II, VI and VII are amended in accordance with the Annex to this Directive.

Article 2

1. With effect from 1 July 1995 Member States may not, on grounds relating to windscreen wiper and washer systems:

— refuse, in respect of a type of motor vehicle or a type of windscreen wiper and washer system, to grant EEC 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 windscreen wiper and washer systems,

if the windscreen wiper and washer systems comply with the requirements of Directive 78/318/EEC as amended by this Directive.

2. With effect from 1 January 1996 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 windscreen wiper and washer systems and for a type of windscreen wiper and washer system if the requirements of Directive 78/318/EEC, as amended by this Directive, are not fulfilled.

3. Notwithstanding paragraph 2 above, for the purposes of replacement parts, Member States shall continue to grant EEC type-approval of windscreen wiper and washer systems in accordance with the original version of Directive 78/318/EEC, provided that such windscreen washer systems:

— are intended to be fitted to vehicles already in use, and

— comply with the requirements of that Directive as they were applicable when the vehicles were first registered.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 July 1995 and 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 time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the texts of the legal provisions subsequently adopted in the field covered by this Directive.

Article 4

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

Done at Brussels, 16 December 1994.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

1. In the list of Annexes:

   — the asterisks after the titles of Annexes I to V and the related footnote shall be deleted;

   — the title of Annex I shall be amended to read: 'Scope, definitions, applications for EEC type-approval, granting of EEC type-approval, specifications, test procedure, markings, amendments to approvals, conformity of production';

   — the title of Annex VI shall be amended to read: 'Information document (vehicle)';

   — the title of Annex VII shall be amended to read: 'Information document (separate technical unit)'; and

   — at the end of the list, the following shall be added:

   'Annex VIII: Type-approval certificate (Vehicle)

   Annex IX: Type-approval certificate (Separate technical unit)'

2. Annex I shall be amended as follows:

   — The title shall read:

   'SCOPE, DEFINITIONS, APPLICATION FOR THE EEC TYPE-APPROVAL, SPECIFICATIONS, TEST PROCEDURE, MARKINGS, AMENDMENTS TO APPROVALS, CONFORMITY OF PRODUCTION'

   — Item (2.1.) shall be deleted.

   — Items 2.2 to 2.4 shall be renumbered 2.1 to 2.3, respectively.

   — Item 2.1.2 (former item 2.2.2) shall be amended to read:

   '2.1.2. the shape and dimensions of the windscreen and its mountings where these are likely to affect the vision areas covered by Annex IV;'

   — Item 2.5 shall be deleted.

   — Items 2.6 and 2.7 shall be renumbered 2.4 and 2.5 and the word 'seat-back' shall be replaced by 'torso'.

   — Items 2.8 to 2.21 shall be renumbered 2.6 to 2.19, respectively.

   — Item 2.18 (former item 2.20) shall be amended to read:

   '2.18 **Nozzle**

   'Nozzle' means a device which serves to direct the windscreen-washer fluid on to the windscreen.'

   — Items 3.1.1 shall be amended to read:

   '3.1.1 The application for EEC type-approval pursuant to Article 3(4) of Directive 70/156/EEC of a vehicle type with regard to its windscreen-wiper and windscreen washer systems shall be submitted by the manufacturer.'

   — Item 3.1.2 shall be amneded to read:

   '3.1.2 A model for the information document is given in Annex VI.'

   — Items 3.1.2.1 to 3.1.2.3 inclusive shall be deleted. Item 3.1.2.4 shall be renumbered 3.1.3.

   — Item 3.2.1 shall be amended to read:

   '3.2.1 The application for EC type-approval pursuant to Article 3 (4) of Directive 70/156/EEC for a type of windscreen-washer system as a separate technical unit shall be submitted by the manufacturer.'

   — Item 3.2.2 shall be amended to read:

   '3.2.2 A model for the information document is given in Annex VII.'

— Item 3.2.2.1 shall be deleted. Item 3.2.2.2 shall be renumbered 3.2.3 and shall be amended to read:

'3.2.3 One specimen of the type of system to be approved shall be submitted to the technical service conducting the type-approval tests. The technical service may, if necessary, request a further specimen. The specimens must bear in a clearly legible and indelible manner the applicant's trade name or mark and an identification of the type.'

— Item 4 shall be amended to read: '4. GRANTING OF EEC TYPE-APPROVAL'

— Item (4.1) shall be amended to read:

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

— Item (4.2) shall be deleted.

— Items 4.3, 4.3.1 and 4.3.2 shall be renumbered 4.2, 4.2.1 and 4.2.2 and shall be amended to read:

'4.2 A model of the EEC type-approval certificate is given in:

4.2.1 Annex VIII for applications referred to in 3.1;

4.2.2 Annex IX for applications referred to in 3.2'

— Item (4.4) shall be renumbered 4.3 and shall be amended to read:

'4.3 An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of vehicle or windscreen washer system approved. The same Member State shall not assign the same number to another type of vehicle or windscreen washer system.'

— Items (4.4) to (4.8) shall be deleted.

— Item 5.1.4 shall be amended to read:

'5.1.4 the frequencies referred to in point 5.1.3 shall be achieved as set out in items 6.1.1 to 6.1.6 and 6.1.8.'

— Item 5.1.7 shall be amended to read:

'5.1.7 The system shall be capable of withstanding stalling for 15 seconds. The use of automatic circuit protection devices is allowed, provided that for possible resetting no action is required on controls other than the windscreen-wiper control. The test procedure and conditions are described in item 6.1.7.'

— Item 5.1.9.1 shall be amended to read:

'5.1.9.1 When subjected to a relative air speed equal to 80 % of the vehicle's maximum speed, but not exceeding 160 km/h, the windscreen wiper systems, operating at maximum frequency, shall continue to sweep a field as specified in item 5.1.2.1 with the same efficiency and under the same conditions as set out in item 6.1.10.2.'

— The following should be added to point 5.1.10:

'This requirement does not apply to devices which, when parked, are in an area of the windscreen which is hidden from view by parts of the vehicle (such as the bonnet, instrument panel, etc. .....).'

— Item 5.2.2 shall be amended to read:

'5.2.2 The performance of the windscreen washer system shall not be adversely affected by exposure to the temperature cycles laid down in points 6.2.3 and 6.2.4.'

— The following new item 6.1.10.2 is added after item 6.1.10.1:

'6.1.10.2 Where the outer face of the windscreen has been prepared as described in items 6.1.8 and 6.1.9 the windscreen washer may be used in all of the tests.'

— The second sentence in item 6.2.3.1 shall be amended to read:

'The system shall then be placed in an ambient temperature of 20 ± 2 C until the ice has completely thawed, but in any case no longer than four hours.'

— The second sentence in item 6.2.5.1 shall be amended to read:

'With the vehicle stationary and no significant wind effect, the washer nozzle or nozzles, if adjustable, shall be pointed towards the target area on the outer face of the windscreen.'