COMMISSION DIRECTIVE 94/23/EC

of 8 June 1994

amending, with the view to fixing the minimum standards for testing vehicle braking systems, Council Directive 77/143/EEC on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/143/EEC of 29 December 1976 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (1), as last amended by Directive 92/55/EEC (2), and in particular Article 5a (2) thereof,

Having regard to Council Directive 71/320/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to the braking devices of certain categories of motor vehicles and of their trailers (3), as last amended by Directive 91/422/EEC (4),

Whereas Directive 77/143/EEC provides for the regular roadworthiness testing of all categories of vehicles listed in Annex I thereto;

Whereas that Directive provides for the adoption by the Council of separate directives necessary to define the minimum standards and methods for testing the items listed in Annex II thereto and the establishment of a committee to advise the Commission before it adopts the amendments which are necessary to adopt the standards and methods defined in the separate directives to technical progress;

Whereas Directive 77/143/EEC, as amended in particular by Council Directive 92/54/EEC (5), defines the minimum standards for testing vehicle braking systems;

Whereas it is necessary to adapt these standards to technical progress to include minimum braking efficiency values so as to ensure, as far as practicable, that vehicles in service are safe as far as braking efficiency is concerned;

Whereas, until such time there are harmonized test procedures and practices, Member States may use their judgement as to the test procedure they use to establish whether the vehicle in question meets the braking requirements;

Whereas it is recognized by all concerned with vehicle testing that the method of testing and, in particular whether the vehicle is tested in a laden, part laden or unladen condition, influences the degree of confidence testers have as to the roadworthiness of the braking system;

Whereas the prescription of brake force reference values for various laden conditions for each vehicle model would help restore that confidence, whereas this Directive enables testing under this regime as an alternative to testing against minimum performance values for each vehicle category;

Whereas it is the intention to further amend this Directive so as to include a harmonious and improved test methodology;

Whereas the scope of this Directive relates in the main to vehicles which have been type-approved to the provisions of Directive 71/320/EEC although it is recognized that certain types of vehicle have been approved to national standards which may differ from the requirements of this Directive; whereas Member States may establish their own testing standards regarding brake efficiency for vehicles that are considered to be of historic interest;

Whereas, in recognizing the right of Member States to establish their own standards for historic vehicles, those standards sould not be more severe than those which the vehicle was originally designed to meet;

Whereas, in view of the effects of such adaptations on the sector in question, in Community measures provided for by this Directive are necessary to attain the objectives sought, namely harmonization at Community level of the rules on roadworthiness tests and to improver road safety; whereas this cannot adequately be achieved by the Member States individually;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for the Adaptation to Technical Progress of the Directive on Motor Vehicle Roadworthiness Testing, establishing pursuant to Article 5b of Directive 77/143/EEC,

(1) OJ No L 47, 18. 2. 1977, p. 47.
(2) OJ No L 225, 10. 8. 1992, p. 68.
(3) OJ No L 202, 6. 9. 1971, p. 37.
(4) OJ No L 233, 22. 8. 1991, p. 21.
(5) OJ No L 225, 10. 8. 1992, p. 63.