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COUNCIL DIRECTIVE 93/33/EEC

of 14 June 1993

on protective devices intended to prevent the unauthorized use of two- or three-wheel motor vehicles

(OJ L 188, 29.7.1993, p. 32)

Amended by:

	Official Journal		
	No	page	date
►**M1** Commission Directive 1999/23/EC of 9 April 1999	L 104	13	21.4.1999

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COUNCIL DIRECTIVE 93/33/EEC

of 14 June 1993

on protective devices intended to prevent the unauthorized use of two- or three-wheel motor vehicles

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Directive 92/61/EEC of 30 June 1992 relating to the type-approval of two- or three-wheel motor vehicles [1],

Having regard to the proposal from the Commission [2],

In cooperation with the European Parliament [3],

Having regard to the opinion of the Economic and Social Committee [4],

Whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured; whereas measures necessary to that end should be adopted;

Whereas, with regard to their protective devices intended to prevent unauthorized use, in each Member State two- or three-wheel motor vehicles must display certain technical characteristics laid down by mandatory provisions which differ from one Member State to another; whereas, as a result of their differences, such provisions constitute a barrier to trade within the Community;

Whereas those obstacles to the establishment and operation of the internal market may be removed if the same requirements are adopted by all Member States in place of their national rules;

Whereas it is necessary to draw up harmonized requirements concerning the protective devices intended to prevent the unauthorized use of two- or three-wheel motor vehicles in order to enable the type-approval and component type-approval procedures laid down in Directive 92/61/EEC to be applied for each type of such vehicle;

Whereas, given the scale and impact of the action proposed in the sector in question, the Community measures covered by this Directive are necessary, indeed essential, to achieve the aim in view, which is to establish Community vehicle type-approval; whereas that aim cannot be adequately achieved by the Member States individually;

Whereas in order to facilitate access to the markets of non-Community countries it would seem necessary to establish equivalence between the requirements of this Directive and those of Regulation No 62 of the United Nations Economic Commission for Europe,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive and its Annexes apply to the protective devices intended to prevent the unauthorized use of all types of vehicle as defined in Article 1 of Directive 92/61/EEC.

Article 2

The procedure for the granting of component type-approval in respect of the protective device intended to prevent the unauthorized use of a type of two- or three-wheel motor vehicle and the conditions governing

(1) OJ No L 225, 10. 8. 1992, p. 72.
(2) OJ No C 293, 9. 11. 1992, p. 32.
(3) OJ No C 337, 21. 12. 1992, p. 103 and OJ No C 176, 28. 6. 1993.
(4) OJ No C 73, 15. 3. 1993, p. 22.

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the free movement of such vehicles shall be as laid down in Chapters II and III of Directive 92/61/EEC.

Article 3

In accordance with Article 11 of Directive 92/61/EEC, equivalence between the requirements laid down in this Directive and those laid down in United Nations ECE Regulation No 62 (E/ECE/TRANS/505 — Add. 61/Amend. 1) is hereby acknowledged.

The authorities of the Member States which grant component type-approval shall accept approvals granted in accordance with the requirements of the abovementioned Regulation No 62 as well as component type-approval marks as an alternative to the corresponding approvals granted in accordance with this Directive.

Article 4

This Directive may be amended in accordance with Article 13 of Directive 70/156/EEC [1] in order to:

— take into account any amendments to the United Nations ECE Regulation referred to in Article 3,

— adapt the Annexes to technical progress.

Article 5

1. Member States shall adopt and publish the provisions necessary to comply with this Directive not later than 14 December 1994. They shall forthwith inform the Commission thereof.

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.

From the date mentioned in the first subparagraph Member States may not, for reasons connected with the protective device intended to prevent unauthorized use, prohibit the initial entry into service of vehicles which conform to this Directive.

They shall apply the provisions referred to in the first subparagraph as from 14 June 1995.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 6

This Directive is addressed to the Member States.

[1] OJ No L 42, 23. 2. 1970, p. 1. Directive as last amended by Directive 92/53/EEC (OJ No L 225, 10. 8. 1992, p. 1).

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ANNEX I

SCOPE — DEFINITIONS — GENERAL AND SPECIFIC REQUIREMENTS

1. SCOPE

1.1. This Directive applies to protective devices intended to prevent the unauthorized use of two-wheel motor vehicles with or without sidecar and three-wheel motor vehicles.

2. DEFINITIONS

2.1. For the purpose of this Directive:

2.2. 'component type-approval' means component type-approval in respect of protection against the unauthorized use of a type of vehicle;

2.3. 'type of vehicle' means motor vehicles not essentially differing from each other, and in particular with regard to the following aspects;

2.3.1. information concerning the type of vehicle provided by the manufacturer;

2.3.2. arrangement and form taken by the component or components of the vehicle on which the protective device acts;

2.3.3. type of protective device;

2.4. 'protective device' means a system intended to prevent the unauthorized use of the vehicle by positively locking the steering and/or transmission; that system may:

2.4.1. act solely and positively on the steering, (type-1 device);

2.4.2. act positively on the steering at the same time as the device which switches off the engine of the vehicle (type-2 device);

2.4.3. when preloaded, act on the steering at the same times as the device which switches off the engine of the vehicle (type-3 device);

2.4.4. act positively on the transmission (type-4 device);

2.5. 'steering device' means the steering control (handlebar or steering wheel), the steering head and any accessory fittings or other components having a direct incidence on the effectiveness of the protective device;

2.6. 'combination' means a variant intended and produced especially for this use of a locking system which, when properly actuated, enables said locking system to operate;

2.7. 'key' means any device designed and manufactured in order to actuate a locking system that itself has been designed and manufactured in order to be actuated solely by that device.

3. GENERAL REQUIREMENTS

3.1. All two- or three-wheel motor vehicles, with the exception of mopeds, must be fitted with a protective device intended to prevent unauthorized use which meets the requirements contained in this Directive. Where a device intended to prevent unauthorized use is fitted to a moped, it must meet the requirements contained in this Directive.►**M1** Protective devices intended to prevent unauthorised use approved for motor vehicles in categories M_1 and N_1 in conformity with Directive 74/61/EEC may also be fitted to two- or three-wheel motor vehicles. ◄

3.2. The protective device must be such that:

3.2.1. it is necessary to disable it in order to point, drive or move the vehicle straight ahead;

3.2.2. it is necessary, in the case of a type-4 protective device, to render it inoperative in order to release the transmission. If this device is actuated by the parking control it must act at the same time as the device which stops the engine of the vehicle;

3.2.3. the key can only be removed when the catch is fully engaged or withdrawn. It must be impossible to obtain any intermediate position of the key which may subsequently engage the bolt, even if the key for the protective device is introduced.

3.3. The requirements set out in section 3.2 must be met by manipulating a key just once.