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COUNCIL DIRECTIVE No 92/53/EEC

of 18 June 1992

amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(OJ L 225, 10.8.1992, p. 1)

Corrected by:

►**C1** Corrigendum, OJ L 145, 15.5.1998, p. 63 (92/53/EEC)

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COUNCIL DIRECTIVE No 92/53/EEC

of 18 June 1992

amending Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

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 the proposal from the Commission [1],

In cooperation with the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas it is important to adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas Directive 70/156/EEC [4] laid down the Community type-approval procedure for vehicles, components and separate technical units built in compliance with the technical requirements set out in separate Directives and also the complete list of vehicle systems, components and separate technical units covered by these Directives;

Whereas in the interest of the establishment and operation of the internal market of the Community it appears appropriate to replace the existing type-approval systems of the Member States by the Community type-approval procedure;

Whereas, in order that the said type-approval procedure may achieve its objective in the most effective manner it appears necessary to make its administrative provisions more precise and comprehensive; whereas this implies, *inter alia*, that these provisions allow for the type-approval of a whole vehicle to be established by compilation of approvals of its constituent systems, components and separate technical units, if the manufacturer so desires, and in the case of vehicles built in several stages involving several manufacturers, by compilation of the approvals of the different stages of completion;

Whereas a vehicle may comply with the provisions of this Directive but nevertheless have certain features which demonstrably present a potential risk for road safety; whereas it is therefore desirable to allow the Member States to refuse to approve such vehicle types as well as to prohibit the sale and entry into service and refuse registration of the said vehicles; whereas for the latter case appropriate conditions are established;

Whereas the mandatory nature of the Community type-approval procedure makes it necessary to allow for exemptions and lay down alternative procedures for vehicles either designed for special purposes or built in small series or incorporating new technologies not yet covered by the provisions of the separate Directives;

Whereas in order to facilitate the access to the markets of countries outside the Community it appears appropriate to allow, under certain conditions, for the acceptance of system, component and separate technical unit approvals based on equivalent international and third-country regulations; whereas equivalence of such regulations is to be established in application of the relevant provisions of the Treaty;

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(1) OJ No C 301, 21. 11. 1991, p. 1.
(2) OJ No C 67, 16. 3. 1992, p. 44 and OJ No 176, 13. 7. 1992.
(3) OJ No C 79, 30. 3. 1992, p. 4.
(4) OJ No L 42, 23. 2. 1970, p. 1. Last amended by Directive 87/403/EEC (OJ No L 220, 8. 8. 1987, p. 44).

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Whereas in order to ensure the necessary transparancy of the Community type-approval procedures it is necessary to lay down provisions according to which the Member States shall notify each other and the Commission of their approval authorities and technical services as well as provisions on the quality criteria with which the latter have to comply;

Whereas since the Annexes to the present Directive are complete only for vehicles of category M_1, the Directive applies only to the type-approval of such vehicles; whereas it appears advisable that pending the completion of the Annexes by provisions relating to vehicles of all other categories, Member States should be allowed to continue to operate their national approval systems in relation to such vehicles in accordance with Article 10 of Directive 70/156/EEC;

Whereas, in order to allow for an adequate transition, both from the technical and administrative points of view, from the present optional regime of Community requirements to the mandatory type-approval procedure established by the present Directive, it appears appropriate to leave the manufacturers the option between the application of the procedure of the present Directive and that provided for in Article 10 of Directive 70/156/EEC for a period of three years; whereas approvals granted in application of the latter procedure should remain valid until 31 December 1997;

Whereas the aforementioned transitional provisions are not intended to allow the Member States to derogate from the provisions of separate Directives which are based on total harmonization,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 70/156/EEC is hereby amended as follows:

1. Articles 1 to 16 are replaced by the following Articles:

'Article 1

Scope

This Directive applies to the type-approval of motor vehicles and their trailers built in one or more stages, of systems, components and separate technical units intended for use on such vehicles and trailers.

It does not apply to:

— the approval of single vehicles except that Member States granting such approvals shall accept any valid system, component, separate technical unit or incomplete vehicle approval granted under this Directive instead of the relevant national requirement,

►C1 — "quadricycles" within the meaning of Article 1(3) of Council Directive 92/61/EEC relating to the type-approval of two- or three-wheel motor vehicles (*).

(*) OJ L 225, 10.8.1992, p. 72. ◄

Article 2

Definitions

For the purpose of this Directive:

— *type-approval* means the procedure whereby a Member State certifies that a type of vehicle, system, component or separate technical unit satisfies the relevant technical requirements of this Directive or a separate Directive contained in the exhaustive list set out in Annex IV or XI,

— *multi-stage type-approval* means the procedure whereby one or more Member States certify that, depending on the state of completion, an incomplete or completed vehicle type satisfies the relevant technical requirements of this Directive,

— *vehicle* means any motor vehicle intended for use on the road, being complete or incomplete, having at least four wheels and a

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maximum design speed exceeding 25 km/h, and its trailers, with the exception of vehicles which run on rails and of agricultural and forestry tractors and all mobile machinery,

— *base vehicle* means any incomplete vehicle, the vehicle identification number of which is retained during subsequent stages of the multi-stage type-approval process,

— *incomplete vehicle* means any vehicle which still needs completion in at least one further stage in order to meet all the relevant requirements of this Directive,

— *completed vehicle* means a vehicle resulting from the process of multi-stage type-approval which meets all the relevant requirements of this Directive,

— *type* of vehicle means vehicles of one category which do not differ in at least the essential respects specified in Annex II.B. A type of vehicle may contain variants and versions (see Annex II.B),

— *system* means any vehicle system such as brakes, emission control equipment, interior fittings, etc. which is subject to the requirements in any of the separate Directives,

— *component* means a device, such as a lamp, subject to the requirements of a separate Directive, intended to be part of a vehicle, which may be type-approved independently of a vehicle where the separate Directive makes express provisions for so doing,

— *separate technical unit* means a device, such as a rear protective device, subject to the requirements of a separate Directive, intended to be part of a vehicle, which may be type-approved separately but only in relation to one or more specified types of vehicle, where the separate Directive makes express provisions for so doing,

— *manufacturer* means the person or body who is responsible to the approval authority for all aspects of the type-approval process and for ensuring conformity of production. It is not essential that the person or body is directly involved in all stages of the construction of the vehicle, system, component or separate technical unit which is the subject of the approval process,

— *approval authority* means the competent authority of a Member State which is responsible for all aspects of type-approval of a type of vehicle, system, component or separate technical unit, to issue and (if appropriate) to withdraw approval certificates, to serve as the contact point with the approval authorities of the other Member States and which is responsible for verifying the manufacturer's conformity of production arrangements,

— *technical service* means the organization or body that has been appointed as a testing laboratory to carry out tests or inspections on behalf of the approval authority of a Member State. This function may also be carried out by the approval authority itself,

— *information document* means the document set out in Annex I or Annex III to this Directive or the corresponding Annex to a separate Directive that prescribes the information to be supplied by an applicant,

— *information folder* means the total folder or file of data, drawings, photographs, etc. supplied by the applicant to the technical service or the approval authority as prescribed in the information document,

— *information package* means the information folder plus any test reports or other documents that the technical service or the approval authority has added to the information folder in the course of carrying out their functions.

— *index to the information package* means the document in which is listed the contents of the information package suitably numbered or otherwise marked to clearly identify all pages.

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Article 3

Application for type-approval

1. Applications for vehicle type-approval shall be submitted by the manufacturer to the approval authority of a Member State. An application shall be accompanied by an information folder containing the information required by Annex III, and by the approval certificates for each of the applicable separate Directives as required by Annex IV or XI; also, the information package in respect of each separate Directive shall be made available to the approval authority throughout the period up to the date when the approval is either issued or refused.

2. By way of derogation from paragraph 1, in the case where no approval certificates for any of the relevant separate Directives are available, the documents accompanying an application shall comprise an information folder containing the relevant information required by Annex I in relation to the separate Directives specified in Annex IV or XI and, where applicable, Part II of Annex III.

3. In the case of multi-stage type-approval the information to be supplied shall consist of:

— at stage 1: those parts of the information folder and the approval certificates as required for a complete vehicle which are relevant to the state of completion of the base vehicle,

— at the second and subsequent stages: those parts of the information folder and the approval certificates which are relevant to the current stage of construction and a copy of the approval certificate for the incomplete vehicle issued at the previous stage of build. In addition, the manufacturer shall supply full details of the changes and additions carried out by him to the incomplete vehicle.

4. Applications for system component or separate technical unit type-approval shall be submitted by the manufacturer to the approval authority of a Member State. An application shall be accompanied by an information folder, the contents of which is given in the information document in the relevant separate Directive.

5. No application in respect of one type of vehicle, system, component or separate technical unit may be submitted to more than one Member State. A separate application shall be submitted for each type to be approved.

Article 4

The type-approval process

1. Each Member State shall grant:

(a) vehicle type-approval to:

— vehicle types which conform to the particulars in the information folder and which meet the technical requirements of all the relevant separate Directives as prescribed in Annex IV,

— special-purpose vehicle types mentioned in Annex XI which conform to the particulars in the information folder and which meet the technical requirements of the separate Directives as denoted in the relevant column of Annex XI.

This process shall be satisfied by the procedures described in Annex V;

(b) multi-stage type-approval to base, incomplete or completed vehicle types which conform to the particulars in the information folder and which meet the technical requirements of the relevant separate Directives as prescribed in Annex IV or XI taking account of the state of completion of the vehicle type.

This process shall be satisfied by the procedures described in Annex XIV;