COUNCIL DIRECTIVE 92/7/EEC

of 10 February 1992

amending Directive 85/3/EEC on the weights, dimensions and certain technical characteristics of certain road vehicles

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, in the light of decisions taken at the adoption of Council Directive 89/338/EEC (4), amending Directive 85/3/EEC, it is necessary to give an objective technical definition to the equivalence between certain non-air suspension systems and air suspension taking into account the effect of driving axle weights on road surfaces;

Whereas further examination of the Commission proposal is necessary with regard to road-friendly suspension systems in relation to the maximum authorized weight of driving axles for motor vehicles covered by this proposal, so as to be able to reach a conclusion within a reasonable period of time;

Whereas it will be necessary to make provision, at a later stage, for common standards for single axles and tandem axles in order to reduce damage to roads as far as possible;

Whereas appropriate test procedures should be defined in order to establish equivalence between certain non-air suspension systems and air suspension;

Whereas Directive 85/3/EEC (5), should be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Annex I of Directive 85/3/EEC is hereby amended as follows:

(a) paragraph 2.2.4.2 shall be replaced by the following:

'2.2.4.2.	is greater than 1,8 m	36 tonnes + 2 tonnes margin when the maximum authorized weight (MAW) of the motor vehicle (18 tonnes) and the MAW of the tandem axle of the semi-trailer (20 tonnes) are respected and the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex III.';

(1) OJ No C 292, 22. 11. 1990, p. 12, and OJ No C 313, 4. 12. 1991, p. 14.
(2) OJ No C 183, 15. 7. 1991, p. 65.
(3) OJ No C 159, 17. 6. 1991, p. 61.
(4) OJ No L 142, 25. 5. 1989, p. 3.
(5) OJ No L 2, 3. 1. 1985, p. 14. Directive as last amended by Directive 91/60/EEC (OJ No L 37, 9. 2. 1991, p. 37).

(b) paragraph 2.3.2 shall be replaced by the following:

'2.3.2.	Three-axle motor vehicles	— 25 tonnes, — 26 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex III, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9,5 tonnes.';

(c) paragraph 2.3.3 shall be replaced by the following:

'2.3.3.	Four-axle motor vehicles with two steering axles	32 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex III, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9,5 tonnes.';

(d) paragraph 3.5.3 shall be replaced by the following:

'3.5.3.	1,3 m or greater but less than 1,8 m ($1{,}3 \leqslant d < 1{,}8$ m)	— 18 tonnes, — 19 tonnes where the driving axle is fitted with twin tyres and air suspension or suspension recognized as being equivalent within the Community as defined in Annex III, or where each driving axle is fitted with twin tyres and where the maximum weight for each axle does not exceed 9,5 tonnes.'

2. A new Annex shall be added, as set out in the Annex hereto, and shall become Annex III.

Article 2

1. Member States shall, after consultation with the Commission, bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1993.

When these provisions are adopted by Member States, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for making such reference shall be adopted by Member States.

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 10 February 1992.

For the Council

The President

Jorge BRAGA DE MACEDO