COUNCIL DIRECTIVE

of 25 June 1987

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

(87/358/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

Whereas Directive 70/156/EEC (3), as last amended by the Act of Accession of Spain and Portugal, laid down the Community type-approval procedure for vehicles built in compliance with the technical requirements set out in specific directives and also the list of vehicle parts and characteristics covered by those directives;

Whereas, in order to eliminate the possibility of misinterpretation arising from the wording of certain Articles of that Directive, it is necessary that minor corrections be made;

Whereas, in order that the said type-approval procedure may be comprehensive in its application, it is necessary that it cover components as well as separate technical units and that each concept should be accurately defined;

Whereas, in order to apply the said type-approval procedure correctly, control of the conformity of production should include verification of the arrangements which have been made by the manufacturer to ensure that vehicles, separate technical units or components in production conform to the approved type;

Whereas, to reduce the amount of documentation now in circulation between Member States, the type-approval certificate, either in accordance with the relevant separate directive or the partially-completed type-approval certificate as annexed to Directive 70/156/EEC, should satisfy the normal information requirements of Member States, which have the option of requesting a more complete body of technical information;

Whereas the administrative procedures governing the relationships between Member States, where one Member State demonstrates to the type-approving Member State that a number of vehicles do not conform to the approved type and that there is therefore reason to believe that production conformity has not been adequately ensured, need to be clarified;

Whereas, in cases where the separate directives provide that a separate technical unit must bear the type-approval number, it should not be mandatory that each unit be accompanied by a certificate of conformity; whereas a manufacturer of a separate technical unit should in any case be required to provide information concerning any restrictions on its use and conditions relating to the fitting of the unit,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. Articles 1 and 2 are replaced by the following:

'*Article 1*

For the purposes of this Directive:

— "vehicle" means any motor vehicle intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 km/h, and its trailers, with the exception of vehicles which run on rails and of agricultural tractors and machinery,

— "separate technical unit" means a 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 vehicles,

— "component" means a device, subject to the requirements of a separate directive, intended to be part of a vehicle which may be type-approved independently of a vehicle.

Article 2

For the purposes of this Directive:

(a) "national type approval" means the administrative procedure known as:

— "agrément par type"/"typegoedkeuring" in Belgian law,

— "standardtypegodkendelse" in Danish law,

(1) OJ No C 48, 25. 2. 1987, p. 4.
(2) Opinion delivered on 19 June 1987 (not yet published in the Official Journal).
(3) OJ No L 42, 23. 2. 1970, p. 1.

— "allgemeine Betriebserlaubnis" in German law,
— "έγκριση τύπου," in Greek law,
— "homologacion de tipo" in Spanish law,
— "réception par type" in French law,
— "type approval" in Irish law,
— "omologazione" or "approvazione del tipo" in Italian law,
— "agrément" in Luxembourg law,
— "typegoedkeuring" in Netherlands law,
— "aprovação de marca e modelo" in Portuguese law,
— "type approval" in United Kingdom law.

(b) "EEC type-approval" means the procedure whereby a Member State certifies that a vehicle type, separate technical unit or component satisfies the technical requirements of the separate directives and the checks listed in the EEC type-approval certificate, the model of which is given in Annex II, and, where applicable, completed by the Annex to the type-approval certificate as contained in the appropriate separate Directives.'

2. Articles 4 and 5 are replaced by the following:

'Article 4

1. Each Member State shall approve all vehicle types which satisfy the following conditions:

(a) the vehicle type must conform to the particulars in the information document;

(b) the vehicle type must satisfy the checks listed in the model, referred to in Article 2 (b), of the type-approval certificate.

2. A Member State granting type-approval shall take the necessary measures to verify, in so far as is necessary and if need be in cooperation with the competent authorities of the other Member States, that adequate arrangements have been made to ensure that vehicles in production conform to the approved type.

3. A Member State which has granted type-approval shall take the necessary measures to verify, in so far as is necessary and if need be in cooperation with the competent authorities of the other Member States, that the arrangements referred to in paragraph 2 continue to be adequate and that production models conform to the approved type. Verification that production models conform to the approved type shall be limited to spot checks, unless specified otherwise in the separate directives.

4. Each Member State shall complete all the sections of a type-approval certificate for each vehicle type which it approves.

Article 5

1. The competent authorities of each Member State shall, within one month, send the competent authorities of the other Member States a copy of the type-approval certificate for each vehicle type which they approve or refuse to approve.

2. Member States may, however, request from a Member State which has granted type-approval or the manufacturer or his authorized representative, further information contained in the technical documents listed in the type-approval certificate.

3. The manufacturer or his authorized representative in the country of registration shall complete a certificate of conformity, the model of which is given in Annex III, for each vehicle manufactured in conformity with the approved type.

4. Member States may, however, for purposes of taxation of a vehicle or completion of its registration documents, ask for particulars not mentioned in Annex III to be given on the certificate of conformity, provided that such particulars are explicitly stated on the information document or can be derived therefrom by a straightforward calculation.'

3. The following is deleted from Article 6 (2):

'... and shall send the competent authorities of the other Member States, in periodic batches, copies of amendments to information documents which have already been distributed.'

4. Article 7 (2) is replaced by the following:

'2. Nevertheless, this certificate shall not prevent a Member State from taking such measures in respect of vehicles which do not conform to the approved type.

There shall be failure to conform to the approved type where deviations from the particulars in the type-approval certificate and/or the information document are found to exist and where these deviations have not been authorized under Article 6 (2) or (3) by the Member State which granted the type-approval. A vehicle shall not be considered to deviate from the approved type where tolerances are permitted by separate directives and these tolerances are respected.'

5. Article 8 is replaced by the following:

'Article 8

1. If a Member State which has granted EEC type-approval finds that a number of vehicles accompanied by a certificate of conformity do not conform to the type which it has approved, it shall take the necessary measures to ensure that production models once more conform to the approved type. The competent authorities of that State shall advise those of the other Member States of the measures taken, which may, where necessary, extend to withdrawal of EEC type-approval.