COMMISSION DIRECTIVE

of 13 April 1981

amending Directive 79/490/EEC adapting to technical progress Council Directive 70/221/EEC on the approximation of the laws of the Member States relating to liquid fuel tanks and rear underrun protection of motor vehicles and their trailers

(81/333/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of Member States relating to the type-approval of motor vehicles and their trailers (1), as last amended by Directive 80/1267/EEC (2), and in particular Article 13 thereof,

Having regard to Council Directive 70/221/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to liquid fuel tanks and rear underrun protection of motor vehicles and their trailers (3), as last amended by Directive 79/490/EEC (4), and in particular Article 3 thereof,

Whereas, experience has shown that the current wording of item II.5.2 of the Annex to Directive 79/490/EEC relating to the rear underrun protection of vehicles in categories M_1, M_2, M_3, N_1, O_1 and O_2 is rather vague in respect of the width over which the requirement must be satisfied; whereas this may lead to different requirements by different standardization services with the risk of contradictions with Council Directive 74/483/EEC (5) relating to external projections of vehicles in category M_1, and also of technical barriers to trade,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 79/490/EEC is hereby amended as follows:

The text of item II.5.2 of the Annex shall be replaced by the following text:

'II.5.2. Any vehicle in one of the categories M_1, M_2, M_3, N_1, O_1 or O_2 (categories under the international classification set out in note (b) of Annex I to Council Directive 70/156/EEC) will be deemed to satisfy the condition set out in item II.5.1:

— if it satisfies the conditions set out in item II.5.3, or

— if the ground clearance of the rear part of the unladen vehicle does not exceed 55 cm over a width which is not shorter than that of the rear axle by more than 10 cm on either side (excluding any tyre bulging close to the ground).

Where there is more than one rear axle, the width to be considered is that of the widest.

This requirement must be satisfied at least on a line at a distance of not more than 45 cm from the rear extremity of the vehicle.'

Article 2

Before 1 October 1981, Member States shall bring into force the provisions necessary to comply with this

(1) OJ No L 42, 23. 2. 1970, p. 1.
(2) OJ No L 375, 31. 12. 1980, p. 34.
(3) OJ No L 76, 6. 4. 1970, p. 23 and OJ No L 65, 15. 3. 1979, p. 42.
(4) OJ No L 128, 26. 5. 1979, p. 22.
(5) OJ No L 266, 2. 10. 1974, p. 4.