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COMMISSION DIRECTIVE

of 18 April 1979

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

(79/490/EEC)

(OJ L 128, 26.5.1979, p. 22)

Amended by:

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►**C1** Corrigendum, OJ L 188, 26.7.1979, p. 54 (79/490/EEC)

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COMMISSION DIRECTIVE

of 18 April 1979

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

(79/490/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 the Member States relating to the type-approval of motor vehicles and their trailers ([1]), as last amended by Directive 78/547/EEC ([2]), and in particular Articles 11, 12 and 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 the liquid fuel tanks and rear underrun protection of motor vehicles and their trailers ([3]),

Whereas, in view of experience gained and of the state of the art, it is now possible to make requirements more stringent and to match them more closely to actual test conditions;

Whereas devices for rear underrun protection are already marketed both separately and after being fitted to a vehicle; whereas if it is possible to check them before they are fitted to a vehicle, their free movement may be facilitated by the introduction of EEC type-approval for such devices considered as separate technical units within the meaning of Article 9a of Directive 70/156/EEC;

Whereas the provisions of this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directives Aimed at the Removal of Technical Barriers to Trade in the Motor Vehicle Sector,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 70/221/EEC is amended as follows:

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

'*Article 2*

1. No Member State may, on grounds relating to its liquid fuel tanks, refuse to grant EEC type-approval or national type-approval for a vehicle if such vehicle satisfies the requirements set out in the Annex concerning liquid fuel tanks.

2. No Member State may, on grounds relating to rear underrun protection, refuse to grant EEC type-approval or national type-approval for a vehicle if such vehicle satisfies the requirements set out in the Annex concerning rear underrun protection or if such vehicle is fitted with a rear underrun protective device which has been granted type-approval as a technical unit within the meaning of Article 9a of Directive 70/156/EEC and installed in accordance with the requirements of item II.5 of the Annex.

([1]) OJ No L 42, 23. 2. 1970, p. 1.
([2]) OJ No L 168, 26. 6. 1978, p. 39.
([3]) OJ No L 76, 6. 4. 1970, p. 23 and OJ No L 65, 15. 3. 1979, p. 42.

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3. No Member State may refuse to grant EEC type-approval or national type-approval for a rear underrun protective device if such device, considered as a technical unit within the meaning of Article 9a of Directive 70/156/EEC, satisfies the relevant requirements set out in the Annex.

Article 2a

1. No Member State may, on grounds relating to its liquid fuel tanks, refuse or prohibit the sale, registration, entry into service or use of a vehicle if such a vehicle satisfies the requirements set out in the Annex concerning liquid fuel tanks.

2. No Member State may, on grounds relating to its rear underrun protection, refuse or prohibit the sale, registration, entry into service or use of a vehicle if such a vehicle satisfies the requirements set out in the Annex concerning rear underrun protection or if the vehicle is fitted with a rear underrun protective device which has been granted type-approval as a technical unit within the meaning of Article 9a of Directive 70/156/EEC and installed in accordance with the requirements set out in item II.5 of the Annex.

3. No Member State may prohibit the placing on the market of any rear underrun protective device considered as a technical unit within the meaning of Article 9a of Directive 70/156/EEC if it conforms to a type which has been granted type-approval within the meaning of Article 2 (3).'

2. The following Article is inserted:

'*Article 2b*

A Member State which carries out type-approval shall take the measures necessary to ensure that it is informed of any modification to a part or characteristic referred to in items II.2.1 and II.2.2 of the Annex. The competent authorities of that Member State shall determine whether fresh tests should be carried out on the modified type and a fresh report drawn up. Where such tests reveal that the requirements of this Directive have not been complied with, the modification shall not be authorized.'

3. The Annex to Council Directive 70/221/EEC shall be amended in accordance with the Annex to this Directive.

Article 2

1. As from 1 January 1980, no Member State may, on grounds relating to the rear underrun protection of vehicles:

— refuse, in respect of a type of vehicle, to grant EEC type-approval, or issue the copy of the certificate provided for in the last indent of Article 10 (1) of Directive 70/156/EEC, or to grant national type-approval, or

— prohibit the entry into service of vehicles,

if the parts providing rear underrun protection for such type of vehicle or such vehicles comply with the provisions of Directive 70/221/EEC, as last amended by this Directive.

2. With effect from 1 October 1980, a Member State:

— shall no longer issue the copy of the certificate provided for in the last indent of Article 10 (1) of Directive 70/156/EEC of 6 February 1970 in respect of a type of vehicle of which the parts providing rear underrun protection do not comply with the provisions of Directive 70/221/EEC, as last amended by this Directive,

— ►C1 may ◄ refuse to grant national type-approval of a type of vehicle of which the parts providing rear underrun protection do not comply with the provisions of Directive 70/221/EEC, as last amended by this Directive.

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3. As from 1 October 1981, Member States may prohibit the entry into service of vehicles of which the parts providing rear underrun protection do not comply with the provisions of Directive 70/221/EEC, as last amended by this Directive.

Article 3

Before 1 January 1980, Member States shall bring into force the provisions necessary to comply with this Directive, and shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.