II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 18 April 1979

adapting to technical progress Council Directive 74/483/EEC on the approximation of the laws of the Member States relating to the external projections of motor vehicles

(79/488/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 74/483/EEC 17 September 1974 on the approximation of the laws of the Member States relating to the external projections of motor vehicles (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 luggage racks, ski racks and radio receiving or transmitting aerials 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 systems 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 74/483/EEC is amended as follows:

1. Articles 2, 3 and 4 are replaced by the following:

'*Article 2*

No Member State may, on grounds relating to external projections, refuse to grant EEC type-approval or national type-approval for a motor vehicle, or for luggage racks, ski racks or radio receiving or transmitting aerials considered as separate technical units, if:

— the vehicle complies with the provisions of Annexes I and II as regards external projections,

(1) OJ No L 42, 23. 2. 1970, p. 1.
(2) OJ No L 168, 26. 6. 1978, p. 39.
(3) OJ No L 266, 2. 10. 1974, p. 4.

— the luggage racks, ski racks or radio receiving or transmitting aerials considered as separate technical units within the meaning of Article 9a of Directive 70/156/EEC comply with the provisions of Annex I.

Article 3

1. No Member State may, on grounds relating to external projections, refuse to register or prohibit the sale, entry into service or use of any vehicle provided that the external projections comply with the provisions of Annexes I and II.

2. No Member State may, on grounds relating to external projections, prohibit the placing on the market of any luggage rack, ski rack or radio receiving or transmitting aerial considered as separate technical units within the meaning of Article 9a of Directive 70/156/EEC if it conforms to a type for which type-approval has been granted within the meaning of Article 2.

Article 4

A Member State which has granted type-approval shall take the measures necessary to ensure that it is informed of any modification to a part or characteristic referred to in item 2.2 of Annex I. 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.'

2. Annexes I, II and III to Directive 74/483/EEC are hereby amended in accordance with the Annex to this Directive.

Article 2

1. As from 1 January 1980, Member States shall not, on grounds relating to external projections :

— refuse, in respect of a type of motor vehicle, to grant EEC type-approval, or to 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

— refuse to grant EEC type-approval for luggage racks, ski racks or radio receiving or transmitting aerials considered as separate technical units within the meaning of Article 9a of Directive 70/156/EEC, or

— prohibit the entry into service of vehicles,

where the external projections of such type of vehicle or of such vehicles or of the aforementioned separate technical units comply with the provisions of Directive 74/483/EEC, as last amended by this Directive.

2. As from 1 October 1981 Member States :

— shall no longer issue the copy of the certificate provided for in the last indent of Article 10 (1) of Directive 70/156/EEC in respect of a type of vehicle if its external projections do not comply with the provisions of Directive 74/483/EEC, as last amended by this Directive,

— may refuse national type-approval of a type of motor vehicle if its external projections do not comply with the provisions of Directive 74/483/EEC, as last amended by this Directive.

3. As from 1 October 1983, Member States may prohibit the entry into service of any vehicle if its external projections do not comply with the provisions of Directive 74/483/EEC, as last amended by this Directive.

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 18 April 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

ANNEX

Amendments to the Annexes to Directive 74/483/EEC

ANNEX I:

GENERAL DEFINITIONS, APPLICATIONS FOR EEC TYPE-APPROVAL, EEC TYPE-APPROVAL, GENERAL SPECIFICATIONS, PARTICULAR SPECIFICATIONS, CONFORMITY OF PRODUCTION

Item 1.1 is to be re-worded as follows:

'1.1. The provisions of this Annex do not apply to exterior rear-view mirrors or to the ball of towing devices.'

Item 1.2 add the following sentence:

'This is valid both when the vehicle is stationary and in motion.'

Item 2.3 is to be re-worded as follows:

'2.3. "external surface" means the outside of the vehicle including the bonnet, the lid of the luggage compartment, the doors, the wings, the roof, the lighting and light-signalling devices and the visible strengthening components;'

Item 2.4 is to be re-worded as follows:

'2.4. "floor line" means the line determined as follows:

successively position round a laden vehicle a cone with a vertical axis the height of which is not defined, and with a half angle of 30° in such a way that it contacts, constantly and as low as possible, the external surface of the vehicle. The floor line is the geometric trace of these points of contact. In determining the floor line, the jacking points, exhaust pipes or wheels shall not be taken into consideration. The gaps of the wheel arches are assumed to be filled in by an imaginary surface forming a smoth continuation of the surrounding external surface. At both ends of the vehicle the bumper shall be taken into consideration when establishing the floor line. Dependent upon the particular vehicle the floor line trace may occur at the bumper section extremity or at the body panel below the bumper. Where two or more points of contact occur simultaneously, the lower point of contact shall be used to determine the floor line;'

Item 2.5 is to be re-worded as follows:

'2.5. "radius of curvature" means the radius of the arc of a circle which comes closest to the rounded form of the component under consideration;'

After item 2.5 the following new items 2.6, 2.7, 2.8 and 2.9 shall be added:

'2.6. "Laden vehicle" means the vehicle laden to the maximum permitted technical mass. Vehicles equipped with hydropneumatic, hydraulic or pneumatic suspension or a device for automatic levelling according to load shall be tested with the vehicle in the most adverse normal running condition specified by the manufacturer.

2.7. "Extreme outer edge" of the vehicle means, in relation to the sides of the vehicle, the plane parallel to the median longitudinal plane of the vehicle coinciding with its outer lateral edge, and, in relation to the front and rear ends, the perpendicular transverse plane of the vehicle coinciding with its outer front and rear edges, account not being taken of the projection:

2.7.1. of tyres near their point of contact with the ground, and connections for tyre pressure gauges;

2.7.2. of any anti-skid devices which may be mounted on the wheels;

2.7.3. of rear-view mirrors;

2.7.4. of side direction indicator lamps, end outline marker lamps, front and rear position (side) lamps and parking lamps;

2.7.5. in relation to the front and rear ends, of parts mounted on the bumpers, of towing devices and of exhaust pipes;

2.8. "The dimension of the projection" of a component mounted on a panel means the dimension determined by the method described in Annex II, item 2.

2.9. "The nominal line of a panel" means the line passing through the two points represented by the position of the centre of a sphere when its surface makes its first and last contact with a component during the measuring procedure described in Annex II, item 2.2.'

Item 3 is to be re-worded as follows:

'3. APPLICATION FOR EEC TYPE-APPROVAL

3.1. **Application for EEC type-approval of a vehicle type in respect of its external projections**

3.1.1. The application for EEC type-approval of a vehicle type in respect of its external projections shall be submitted by the vehicle manufacturer or by his authorized representative.

3.1.2. It shall be accompanied by the undermentioned documents in triplicate:

3.1.2.1. photographs of the front, rear, and side parts of the vehicle taken at an angle of 30° to 45° to the vertical longitudinal median plane of the vehicle;

3.1.2.2. drawings of the bumpers;

3.1.2.3. where appropriate, drawings of specific external projections and, if necessary, of certain sections of the external surface referred to in item 6.9.1.

3.1.3. A vehicle representative of the type of vehicle to be approved shall be submitted to the technical service responsible for type-approval. At the request of the technical service, the specific components or samples of the materials used shall likewise be submitted.

3.2. **Application for EEC type-approval in respect of luggage racks, ski racks or radio receiving or transmitting aerials considered to be separate technical units**

3.2.1. Applications for EEC type-approval in respect of luggage racks, ski racks or radio receiving or transmitting aerials considered to be separate technical units within the meaning of Article 9a of Directive 70/156/EEC shall be submitted by the vehicle manufacturer or the manufacturer of the aforementioned separate technical units, or by their authorized representative.

3.2.2. For every type of any one of the devices referred to in item 3.2.1 above, the application shall be accompanied by the following:

3.2.2.1. triplicate copies of documents specifying the technical characteristics of the separate technical unit and the assembly instructions to be supplied with every separate technical unit sold;

3.2.2.2. a specimen of the type of separate technical unit. Should the responsible authority consider it necessary, it may request a further specimen. The specimens shall be clearly and indelibly inscribed with the mark specified in Article 9a (3) of Directive 70/156/EEC. As far as luggage racks and ski racks are concerned, provision shall be made for the subsequent compulsory display of the EEC type-approval number. The type-approval number shall be preceded by the international registration letter(s) of the country granting such approval (1).'

Item 4.6 is to be re-worded as follows:

'4.6.1. When approval is granted for an application under item 3.1, a form conforming to the model in Annex III shall be attached to the type-approval certificate.

4.6.2. When approval is granted for an application under item 3.2, a form conforming to the model in Annex IV shall be issued.

4.6.3. Where reference is made in an application under item 3.1 to a form of the type illustrated in Annex IV, the scope of the vehicle test shall be reduced accordingly in respect of the external projections. In such cases, the type-approval certificate for the vehicle shall be accompanied by a copy of the type-approval certificate for the separate technical unit.'

(1) B = Belgium, D = Germany, DK = Denmark, F = France, GB = United Kingdom, I = Italy, IRL = Ireland, L = Luxembourg, NL = Netherlands.

Item 5.1.3 is to be re-worded as follows:

'5.1.3. so located that, in their static condition as well as when in operation, they cannot be contacted by a sphere 100 mm in diameter.'

Item 5.4 is to be re-worded as follows:

'5.4. No protruding part of the external surface shall have a radius of curvature less than 2·5 mm. This requirement shall not apply to parts of the external surface which protrude less than 5 mm, but the outward facing angles of such parts shall be blunted, save where such parts protrude less than 1·5 mm.'

Item 5.5 the following sentences shall be added:

'The hardness measurement shall be taken with the component as installed on the vehicle. Where it is impossible to carry out a hardness measurement by the Shore A procedure, comparable measurements shall be used for evaluation.'

After item 5.5, the following new item 5.6 shall be added:

'5.6. The provisions of the above items 5.1 to 5.5 shall apply in addition to the particular specifications of the following item 6, except where these particular specifications expressly provide otherwise.'

Item 6.1.1 the following sentences shall be added:

'To apply the 10 daN force a flat-ended ram of not more than 50 mm diameter shall be used. Where this is not possible, an equivalent method shall be used. After the ornaments are retracted, detached or bent over, the remaining projections shall not project more than 10 mm. These projections shall in any case satisfy the provisions of item 5.2. If the ornament is mounted on a base, this base is regarded as belonging to the ornament and not to the supporting surface.'

Item 6.1.3 shall be deleted.

Item 6.2.1 shall be completed as follows:

'In the case of a headlight mounted behind an additional transparent surface, the projection shall be measured from the outermost transparent surface. The projections shall be determined according to the method described in item 3 of Annex II.'

After item 6.2.2, the following new item 6.2.3 shall be added:

'6.2.3. The provisions of item 6.2.1 above do not apply to headlights which are sunk into the bodywork or which are "overhung" by the bodywork, if the latter complies with the requirements of item 6.9.1.'

Item 6.3.1 is to be re-worded as follows:

'6.3.1. The requirements of item 5.4 shall not apply to gaps between fixed or movable elements, including those forming part of air intake or outlet grilles and radiator grilles, provided that the distance between consecutive elements does not exceed 40 mm and provided that the grilles and gaps have a functional purpose. For gaps of between 40 mm and 25 mm the radii of curvature shall be 1 mm or more. However, if the distance between two consecutive elements is equal to or less than 25 mm, the radii of curvature of external faces of the elements shall not be less than 0·5 mm. The distance between two consecutive elements of grilles and gaps shall be determined according to the method described in item 4 of Annex II.'

Item 6.4.1 is to be re-worded as follows:

'6.4.1. The windscreen wiper fittings shall be such that the wiper shaft is furnished with a protective casing which has a radius of curvature meeting the requirements of item 5.4 above and an end surface area of not less than 150 mm^2. In the case of rounded covers, these shall have a minimum projected area of 150 mm^2 when measured not more than 6·5 mm from the point projecting furthest. These requirements shall also be met by rear window wipers and headlight wipers.'

Item 6.4.2 is to be re-worded as follows:

'6.4.2. Item 5.4 shall not apply to the wiper blades or to any supporting members. However, these units shall be so made as to have no sharp angles or pointed or cutting parts.'