

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 143 final.

Brussels, 7 April 1978.

WORKING DOCUMENT OF THE COMMISSION

on the EEC type-approval of Motor Vehicles

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COM(78) 143 final.

TYPE-APPROVAL OF MOTOR VEHICLES

On 14 November 1977 Mr P. SCHLÖSSER, Deputy Director-General of the Directorate-General for the Internal Market and Industrial Affairs, put a number of ideas to the Permanent Representatives Committee with a view to solving the difficulties encountered by several Member States in applying to products manufactured outside the Community the checking methods laid down in the Directives for the removal of technical barriers.

Since this approach had met with a favourable reception from most of the delegations, COREPER requested the Commission on 19 January to forward a more detailed working document setting out the amendments with reference to the Directive on EEC type-approval which this approach would entail in the case of motor vehicles.

The document in question is enclosed herewith.

This is not an official Commission proposal (although such a proposal may be drawn up at a later date according to the usual procedures) but a study document designed to give the various delegations a clear understanding of the lines along which the Commission hopes to proceed.

amendment to 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

Article 1

Council Directive 70/156/EEC shall be amended in accordance with the following articles.

Article 2

Article 3 shall be replaced by the following text:

"1. All applications for EEC type-approval shall be addressed by the manufacturer or his authorized representative - hereinafter called the applicant - to the Commission.

2. The Commission shall nominate the Member State responsible for the type-approval tests, taking particular account of the following:

- choice expressed by the applicant;
- geographical location of the factories where the vehicle will be manufactured;
- potential technical capacity of the equipment available in the Member States.

Before such nomination is made, the Commission shall be entitled to convene the Committee referred to in Article 12. In this case nomination shall be in accordance with the procedure laid down in Article 13a.

3. The Commission shall, within 10 days, forward the type-approval application to all the Member States and at the same time inform them which Member State has been nominated.

4. If within /30 days/ of this information being dispatched no objection has been lodged by a Member State, the nomination shall be regarded as final.

5. If a Member State lodges an objection to the nomination, the Commission shall convene as soon as possible the Committee referred to in Article 12.

In this case nomination shall be in accordance with the procedure laid down in Article 13a.

6. When the nomination is definitive, the Commission shall inform the Member State concerned and the applicant. The applicant shall send to the Member State nominated the information document, a model of which is contained in Annex I, as well as the document mentioned therein. He shall also declare that he accepts the conditions set out in Article 4(4)."

Article 3

Article 4 shall be replaced by the following text:

"1. The Member State responsible for conducting EEC type-approval shall take the necessary steps beforehand to ensure that the manufacturer has at his disposal the equipment needed to enable him to carry out continuous and adequate checks to verify that production models conform to the prototype.

2. EEC type-approval shall be granted if:

- a) the vehicle type conforms to the particulars in the information document;
- b) the vehicle type satisfies the checks listed in the model of the type-approval certificate referred to in Article 2(b).

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

3. The Member State which has granted type-approval shall take the necessary measures to verify, if need be in cooperation with the competent authorities of the other Member States, that production models conform to the approved prototype.

4. On making use of EEC type-approval, the manufacturer or his authorized representative shall immediately take steps to:

- a) inform the Member State which has granted type-approval:
  - of the place of manufacture and the place of storage;
  - of the date of commencement of manufacture.
- b) afford access, for the purpose of inspecting the abovementioned manufacturing and storage premises and compiling inspection records, to the representatives of the competent authorities of the Member State which has granted type-approval and provide them with any information needed in connection with this inspection;
- c) permit the competent authorities of the Member State which has granted type-approval to select one or more vehicles for the purpose of carrying out an inspection at the place of manufacture or storage.

5. The Member State granting type-approval shall make available to the other Member States and to the Commission, should they so request, a copy of the test report and, if necessary, the technical specifications."

Article 4

Article 8 shall be replaced by the following text:

"1. If it should transpire that the vehicles do not conform to the approved prototype, the Member State which granted EEC type-approval shall take one of the following courses of action against the manufacturer:

- a) straight warning with formal notice to remedy the conformity defects by a given deadline;
- b) warning as in subparagraph (a) above, but accompanied by an increase in the frequency of inspections;
- c) temporary suspension of EEC type-approval;
- d) withdrawal of EEC type-approval.

The first two measures shall be taken when the differences do not affect the general design of the vehicle or when the conformity defects are minimal and do not, in any case, adversely affect safety.

2. Likewise, the Member State which granted type-approval shall withdraw such approval when:

- the manufacturer refuses to allow the inspections referred to in Article 4(4);
- it finds that EEC type-approval should not have been granted in the first place.

3. If the Member State which granted EEC type-approval is informed by another Member State of the existence of one of the cases referred to in paragraphs 1 and 2 of this article, it shall likewise implement the measures provided for in these paragraphs following consultations with the Member State in question.

4. The other Member States and the Commission shall be notified of the temporary suspension or withdrawal of EEC type-approval.

5. If the Member State which has granted EEC type-approval disputes the conformity defect notified to it, the Member States concerned shall endeavour to settle the dispute.

The Commission shall be kept informed and shall, where necessary, hold appropriate consultations for the purpose of reaching a settlement. It shall also be empowered to refer the matter to the Committee pursuant to Article 13a."

Article 5

Article 12 shall be replaced by the following text:

- "1. A Committee on EEC Type-Approval of Motor Vehicles and the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Motor Vehicle Sector (hereinafter called the "Committee") is hereby set up; it shall consist of representatives of the Member States with a representative of the Commission as Chairman.
2. The Committee shall adopt its own rules of procedure."

Article 6

An additional article (Article 13a) shall be inserted:

- "1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by the Chairman, either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted.  
The Committee shall deliver its opinion on the draft within a time limit set by the Chairman having regard to the urgency of the matter. Opinions shall be adopted by a majority of 41 votes, the votes of Member States being weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.
3. On obtaining the opinion of the Committee the Commission shall adopt its decision and notify the Member States accordingly.
4. Where this decision is not in accordance with the opinion of the Committee, it shall become final if within /10/ days of notification no Member State has referred the matter to the Council or if, in the event of such referral, the Council has not amended this decision by a qualified majority within /60/ days of its referral."

Article 7

An additional article (Article 13b) shall be inserted:

"The Committee shall be empowered to examine any other matter raised by its Chairman and falling within the scope of this Directive, either on the Chairman's own initiative or at the request of the representative of a Member State."

Article 8

An additional article (Article 14a) shall be inserted:

"Each Member State shall submit to the other Member States and to the Commission a list of the competent authorities responsible for EEC type-approval. It shall likewise notify the other Member States and the Commission of any subsequent amendment to this list."