

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 2172 final

Brussels, 20 December 1974

Proposal for a

## COUNCIL DIRECTIVE

on the approximation of the laws of the Member  
States relating to towing hooks on motor vehicles

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(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

This proposal for a Directive is to form part of the Community type-approval procedure provided for in Council Directive 70/156/EEC<sup>(1)</sup> of 6 February 1970.

It concerns the requirements as to towing hooks on motor vehicles.

The Commission has decided that vehicles must be fitted with a device for the attachment of a towing bar or cable since such a device has proved not only useful but necessary for the removal of vehicles which have broken down on the public highway. Where such a device is absent at the front, the towing of vehicles is delayed and complicated, and their safety may be impaired since an improvised fitting (on the bumper bar or some other part of the vehicle) can damage the steering mechanism.

The Commission has examined with particular attention the objections raised as regards the desirability of fitting such devices to the rear of vehicles. The following objections have been noted in respect in particular of vehicles in category M<sub>1</sub> :

1. A large number of vehicles are not able to tow by reason of their relatively low engine power and the lightness of their construction.
2. In the case of vehicles of integral construction it is in general difficult, for reasons of construction, to adapt the towing devices to the bodywork in a manner enabling alternating forces to be absorbed.
3. Certain vehicles equipped with automatic transmission are not able to be towed, or only in certain circumstances.

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(1) O.J. NO 42, 23 February 1970.

In view of the results of that examination, the Commission feels that vehicles in category M<sub>1</sub>, which are not authorized to tow any load, need not be required to be fitted with a rear towing device.

The Working Party on the Removal of Technical Barriers to Trade - Motor Vehicles, which assists the relevant departments of the Commission in the drawing-up of proposals for directives, has been consulted on this proposal for a directive. With the exception of the Netherlands and United Kingdom delegations, which entered reservations as to the requirement that certain vehicles in category M<sub>1</sub> should be fitted also with rear towing devices, the delegations delivered a favourable opinion.

This proposal for a Directive applies to motor vehicles having at least four wheels and a maximum design speed exceeding 25 km/h (Article 1).

Article 2 incorporates the requirements relating to towing hooks on motor vehicles into the EEC type-approval procedure.

The fact that it has been laid down that the Community requirements set out in the Annex to the Directive are to have the same force as national requirements also brings them within the scope of optional harmonization. Thus, a Member State may not refuse the national type-approval of a vehicle on the grounds that its fittings and characteristics as specified in this directive do not comply with national requirements if they comply with Community requirements. Furthermore, since certain Member States do not operate a national type-approval procedure, it was necessary to ensure that vehicles satisfying the requirements of this directive could be used in such States.

Article 3 specifies the procedure to be followed for the adaptation to technical progress of the requirements laid down in the Annex, which is the procedure set out in Article 13 of the Council Directive of 6 February 1970 on the type-approval of motor vehicles and their trailers.

Article 4 sets two time limits ; before expiry of the first, the Member States must adopt and publish the measures necessary for compliance with the directive. The second determines the date on which all the Member States must simultaneously apply the common rules (Article 4 (1) ).

The Commission must be notified of all provisions which the Member States propose to adopt in the field covered by the Directive in sufficient time to enable it to submit comments on such draft provisions (Article 4 (2) ).

CONSULTATION OF THE EUROPEAN PARLIAMENT AND THE ECONOMIC AND SOCIAL COMMITTEE

The opinion of these two institutions is required under the second paragraph of Article 100.

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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 ;

Having regard to the Opinion of the European Parliament ;

Having regard to the Opinion of the Economic and Social Committee ;

Whereas the technical requirements which motor vehicles must satisfy pursuant to national laws relate, inter alia, to towing hooks ;

Whereas those requirements differ from one Member State to another, and whereas it is therefore necessary that all of the Member States adopt the same requirements either in addition to or in place of their existing requirements in order, in particular, to allow the EEC type-approval procedure, which was the subject of the Council Directive 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<sup>(1)</sup> to be applied in respect of each type of vehicle ;

Whereas the approximation of the laws of the Member States relating to motor vehicles implies recognition in all Member States of the inspections carried out by each of them on the basis of common requirements ; whereas, in order to function properly, such a system must be applied by all Member States with effect from the same date ;

HAS ADOPTED THIS DIRECTIVE :

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(1) O.J. NO L 42, 23 February 1970, p. 1.

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, with the exception of vehicles which run on rails, agricultural tractors and machinery and engineering plant.

Article 2

1. No Member State may refuse to grant EEC type-approval of a vehicle on grounds relating to towing hooks if its towing hooks satisfy the requirements set out in the Annex.

2. Similarly, no Member State may refuse to grant national type-approval or, where no such approval exists, refuse the registration or prohibit the sale, putting into circulation or use of a vehicle on the grounds or in the circumstances specified in paragraph 1.

Article 3

Any adjustment of the provisions contained in this Directive needed to take account of technical progress shall be adopted in accordance with the procedure laid down in Article 13 of the Council Directive 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 4

1. The Member States shall adopt and publish provisions containing the requirements needed to comply with this Directive before 1 April 1976 and shall forthwith inform the Commission thereof.

They shall apply these provisions with effect from 1 October 1976.

2. Once notification of this Directive has been effected, the Member States shall, in sufficient time to enable it to submit its comments, inform the Commission of all draft laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive.

Article 5

This Directive is addressed to the Member States.

ANNEX

I. Towing hooks

- I.1. A device of adequate size and ease of access for the attachment of a towing bar or rod shall be fitted to the front of all vehicles.
  
- I.2. Vehicles in category M<sub>1</sub> (as defined in Annex I to Directive No 70/156/EEC of 6 February 1970 on type-approval) must, with the exception of those vehicles not authorized to tow a load, also be fitted at the rear with a towing device as stipulated in item I.1. above.
  
- I.3. No towing device must project beyond the forward, rear and side extremities of the vehicle.