

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 621 final

Brussels, 6 October 1982

Proposal for a

COUNCIL DIRECTIVE

amending directive 76/756/EEC on the approximation of the laws of the Member States relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers

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(submitted to the Council by the Commission)

COM(82) 621 final

EXPLANATORY MEMORANDUM

I. Legal situation

In pursuance of Article 6 of Council Directive 76/756/EEC<sup>1</sup> (which has become Article 5 as a result of Directive 80/233/EEC<sup>2</sup>), a certificate in the form of the document referred to in the last indent of Article 10(1) of Directive 70/156/EEC<sup>3</sup> concerning the installation of lighting and light-signalling devices is, since 1 October 1979, granted only in respect of vehicles fitted with a dipped-beam adjustment device that satisfies the requirements set out in item 4.2.6. of Annex I.

Article 2(3) of Commission Directive 82/244/EEC<sup>4</sup>, the latest Directive on adaptation to technical progress, provides that, with effect from 1 October 1984, Member States may prohibit the entry into service of vehicles in respect of which a certificate - in the form of the abovementioned document - concerning the installation of lighting and light-signalling devices has been issued after 1 October 1979, where such vehicles are not fitted with a dipped-beam adjustment device that complies with the amended requirements laid down in item 4.2.6 of Annex I (see items 4.2.6.1, 4.2.6.2.2 and 4.2.6.2.3 and Appendices 5, 6 and 7 in the Annex to Directive 82/244/EEC).

The harmonization procedure adopted being, it will be recalled, the "optional" method, namely that Member States cannot refuse a vehicle which complies with Community requirements, but are allowed to retain their own national provisions, no Member State has yet made it mandatory to install dipped-beam adjustment devices.

II. Application of the Community provisions by the manufacturers

The motor vehicle manufacturers, while appreciating the benefits that derive from the Community directives in general and from the Directive relating to the installation of lighting and light-signalling devices in particular,

<sup>1</sup> OJ No L 262, 27.9.1976, p. 1.

<sup>2</sup> OJ No L 51, 22.5.1980, p. 8.

<sup>3</sup> OJ No L 42, 23.2.1970, p. 1.

<sup>4</sup> OJ No L 109, 22.4.1982, p. 31.

have elected not to invoke the Directive for the sole reason that, they would have had to comply with the requirement to install dipped-beam adjustment devices on their vehicles in order to obtain the abovementioned EEC type-approval certificate. So far, therefore, they have preferred to have recourse to the national provisions in force in each Member State, which do not - at least for the time being - include the obligation to comply with the said Community requirement. The manufacturers point to the technical difficulties and the increase in cost - especially in the case of small cars - that compliance with this requirement would involve. According to whether the dipped-beam adjustment device is manually operated or automatic, the increase in the purchasing price would lie somewhere between BFR 2 400 and BFR 4 000.

The manufacturers point out that although these devices help to maintain satisfactory vision by correcting the dipped-beam adjustment according to vehicle loading, they serve no useful purpose where the initial adjustment is incorrect - as, unfortunately, it very often is owing to poor maintenance (the majority of cases of dazzle) - and where there has been deterioration during service, which is all the more serious in complex systems.

### III. Position adopted by the Commission and proposal for the amendment of Directive 76/756/EEC

In the light of the foregoing, the Commission, to which the problem was referred by the motor-vehicle manufacturers in the Member States, has conducted appropriate discussions with the governmental experts from the Member States meeting within the Working Party on Motor Vehicles and has arrived at the following conclusions:

- a) it accepts in principle that the grounds put forward by the manufacturers will remain valid for some time, although the recent amendments introduced by the latest Commission Directive are likely to obviate most of the disadvantages adduced;
- b) it notes that Directive 76/756/EEC is not being applied for the sole reason that it contains the obligation to install these dipped-beam adjustment devices and has therefore not produced the expected results;

- c) action should be taken to ensure that the other provisions of this Directive, whose importance is not in doubt, are effectively applied and thus provide the benefits frequently mentioned by the manufacturers;
- d) the date of entry into force of the requirement to install dipped-beam adjustment devices on new vehicles should therefore be postponed to 1 October 1984 and, in order to allow vehicle designs to be modified, a further period of three years should be granted before a Member State may prohibit the entry into service of vehicles that are not equipped with such devices but in respect of which an EEC type-approval certificate was issued before the compulsory installation date which is the subject of this amending proposal;
- e) this opportunity should be taken to bring together in a single text, for the sake of greater clarity, all the enacting terms of the Directives adopted by the Council and the Commission relating to the installation of lighting and light-signalling devices on motor vehicles and their trailers.

#### IV. Consultation of the European Parliament and of the Economic and Social Committee

In accordance with the second paragraph of Article 100, the opinion of these two bodies is required.

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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 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<sup>1</sup>, as last amended by Directive 80/1267/EEC<sup>2</sup> and  
by the Act of Accession of Greece, stipulates that the provisions necessary  
for implementing the EEC type-approval procedure in respect of each of the  
parts and characteristics of vehicles are to be adopted by means of specific  
directives; whereas the provisions relating to the installation of lighting  
and light-signalling devices were adopted by means of Council Directives 76/756/EEC<sup>3</sup>,  
as amended by Commission Directives 80/233/EEC<sup>4</sup> and 82/244/EEC<sup>5</sup>;

Whereas, since the method provided by Directive 70/156/EEC for harmonizing laws  
is "optional", manufacturers have chosen not to invoke the Community  
provisions enacted by Directive 76/756/EEC, on the grounds that the latter  
require vehicles to be equipped with a dipped-beam adjustment device (item  
4.2.6 of Annex I, as amended by Directive 82/244/EEC), and have preferred to  
have recourse to the relevant national provisions, which do not for the time  
being include such a requirement; whereas in order to justify their choice  
the manufacturers cite the technical difficulties and the costs of implementing  
the Community requirement in question, especially in the case of small cars;

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<sup>1</sup> OJ No L 42, 23.2.1970, p. 1

<sup>2</sup> OJ No L 375, 31.12.1980, p. 34

<sup>3</sup> OJ No L 262, 27.9.1976, p. 1

<sup>4</sup> OJ No L 51, 22.5.1980, p. 8

<sup>5</sup> OJ No L 109, 22.4.1982, p. 31

Whereas, in order to enable the Community rules on lighting and light-signalling devices to be effectively applied, the date of entry into force of the requirements concerning the installation of dipped-beam adjustment devices on new vehicles should be postponed to 1 October 1984; whereas it is also necessary to provide that the entry into service of vehicles conforming to the type approved before that date shall not be prohibited until three years later, in order to give manufacturers time to adapt their models;

Whereas, for the sake of greater clarity, it is now desirable to bring together in a single text all the enacting terms of Directive 76/756/EEC and subsequent amendments, including those made by the present Directive,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

Articles 1 to 5 of Directive 76/756/EEC are hereby replaced by the following:

#### "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, and its trailers, with the exception of vehicles which run on rails, agricultural or forestry tractors and machinery, and public-works vehicles.

#### Article 2

1. No Member State may:

- refuse, in respect of a type of vehicle, to grant EEC type approval or national type approval, or
- refuse or prohibit the sale, registration, entry into service or use of vehicles,

on grounds relating to the installation on the vehicles of the lighting and light-signalling devices, whether mandatory or optional, listed in items 1.5.7 to 1.5.20 of Annex I if these devices are installed in accordance with the requirements set out in Annex I.

2. By way of derogation from paragraph 1, the installation of the devices referred to in item 4.2.6 of Annex I shall be required only with effect from 1 October 1984. Nevertheless, where such devices are installed before that date, they must satisfy the requirements set out in that item. Where EEC type approval (or the issue of the document referred to in the last indent of Article 10(1) of Directive 70/156/EEC) or national type approval has been granted before that date in respect of a vehicle type that does not comply with the said requirements, Member States may prohibit the entry into service of vehicles of that type with effect from 1 October 1987.

#### Article 3

A Member State which has granted EEC type approval shall take the necessary measures to ensure that it is informed of any modification to any of the parts or characteristics referred to in item 1.1 of Annex I. The competent authorities of that Member State shall determine whether further tests should be carried out on the modified vehicle type and a fresh report drawn up. Where such tests reveal failure to comply with the requirements of this Directive, the modification shall not be approved.

#### Article 4

Any amendments necessary in order to adjust the requirements of the Annexes to take account of technical progress shall be adopted in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC.

#### Article 5

1. Member States shall bring into force the provisions necessary in order to comply with this Directive not later than 1 October 1983. They shall forthwith inform the Commission thereof.

2. Once this Directive has been notified, Member States shall also ensure that the Commission is informed, in sufficient time to enable it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive."

Article 2

This Directive is addressed to the Member States.

Done at Brussels,

For the Council  
The President



