



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.6.2003
COM(2003) 350 final

2003/0122 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Council Directive 92/24/EEC relating to speed limitation devices or similar
speed limitation on-board systems of certain categories of motor vehicles**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Objective of the Proposal

Directive 92/24/EEC is one of the separate directives within the framework of motor vehicle type-approval and is relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (lorries and buses). The objective of the proposal is to amend the scope of this directive to lighter commercial vehicles like small buses and good transport vehicles above 3.5 tonnes maximum mass.

2. Legal Basis

The measures are proposed on the basis of Article 95 of the EC Treaty. The measures form part of the European type-approval system and compliance will become mandatory for new EC type-approvals to be issued by the national authorities after a defined transition period.

3. Background

Directive 92/24/EEC today contains the technical requirements for type-approval of speed limitation devices and applies to motor vehicles of categories N₂ (medium trucks) and M₃ (buses and coaches) with a maximum mass exceeding 10 tonnes and to motor vehicles of category N₃ (heavy trucks). This directive is linked with Directive 92/6/EEC, regulating the installation and use of speed limitation devices for the same categories of vehicles.

Based on the positive experience and to further promote road safety and environmental protection Directive 2002/85/EC of the European Parliament and of the Council on the installation and use of speed limitation devices has been adopted recently. This Directive extends the scope of Directive 92/6/EEC and introduces speed limitation devices for all vehicles with more than eight seats in addition to the driver's seat used for the carriage of passengers (categories M₂ and M₃) and for all vehicles used for the carriage of goods and exceeding 3.5 tonnes maximum mass (categories N₂ and N₃).

To allow type-approval of all vehicles and speed limitation devices covered by this amendment it is now necessary to amend the scope of the type-approval Directive 92/24/EEC relating to the construction requirements for speed limiters accordingly.

4. Content of the Proposal

It is proposed to extend the scope of Directive 92/24/EEC to cover all motor vehicles of categories M₂, M₃, N₂ and N₃. It is therefore necessary to amend Article 1 and Annex I, item 1.1 relating to the scope of this directive. The technical requirements and administrative type-approval provisions remain unchanged.

5. Conclusions

This proposal for a Directive of the European Parliament and of the Council will extend the harmonised requirements for speed limitation devices or similar speed limitation on-board systems to all motor vehicles of categories M₂ and M₃ for the carriage of passengers

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Acting in Accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Measures should be adopted for the purpose of ensuring the smooth functioning of the internal market.
- (2) Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles is one of the separate directives under the Community approval procedure introduced by 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; the provisions and definitions laid down in Directive 70/156/EEC concerning vehicles, vehicles systems, components and separate technical units will thus apply to this Directive.
- (3) Speed limitation devices for vehicles used for the carriage of passengers and for the carriage of goods having a maximum mass exceeding 10 tonnes have shown a positive influence on road safety and reducing the severity of injuries in cases of accidents as well as a reduction of air pollution and fuel consumption.
- (4) Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles has been extended to lighter motor vehicles of categories M₂ and N₂. It is therefore necessary to amend the scope of Directive 92/24/EEC relating to the construction requirements for speed limiters accordingly to cover the same categories of motor vehicles.

Directive 92/24/EEC should therefore be amended accordingly,

¹ OJ C , , p. .

² OJ C , , p. .

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 92/24/EEC is hereby amended as follows:

1. Article 1, shall be replaced by the following:
 - ‘vehicle’ shall mean any motor vehicle of categories M₂, M₃, N₂ or N₃, as defined in Annex II to Directive 70/156/EEC, intended for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h;
 - ‘speed limitation device’ shall mean a speed-limiting appliance intended for use on a vehicle within the scope of this directive for which type-approval of a separate technical unit within the meaning of Article 9a of Directive 70/156/EEC may be granted. Built-in maximum vehicle speed limitation systems, incorporated into the design of vehicles from the outset, shall meet the same requirements as speed limitation devices.
2. Annex I, item 1.1, paragraph 3, the first sentence is replaced by the following:

The purpose of this Directive is to limit to a specified value the maximum road speed of goods vehicles of categories N₂ and N₃ and of passenger-carrying vehicles of categories M₂ and M₃.

Article 2

1. With effect from³, Member States may not, on grounds relating to speed limitation devices or similar systems
 - refuse to grant EC type-approval or national type approval of a vehicle, a speed limitation device or a speed limitation on-board system,
 - prohibit the registration, sale or entry into service of a vehicle or refuse the sale or entry into service of a speed limitation device or a speed limitation on-board system,

if the vehicles, speed limitation devices or speed limitation on-board systems comply with the provisions of Directive 92/24/EEC as amended by this Directive.
2. With effect from⁴, the Member States shall, on grounds relating to speed limitation devices or speed limitation on-board systems prohibit the sale, the registration or the entry into service of vehicles, speed limitation devices or speed limitation on-board systems which do not comply with the provisions of Directive 92/24/EEC as amended by this Directive.

³ 9 months after entering into force of this directive

⁴ 1st day of the month following the end of the 2nd year after the amendment of Directive 92/6/EEC (COM(2001)318 final) enters into force

Article 3

1. Member States shall adopt and publish, before.....⁵, the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof. They shall apply these provisions from⁶
2. When the Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such is to be made.
3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The president

For the Council
The President

⁵ 9 months after entering into force of this directive

⁶ the day following 9 months after entering into force of this directive