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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 702 final

Brussels, 23 December 1976

PROPOSAL
FOR A COUNCIL DIRECTIVE
ON THE APPROXIMATION OF THE LAWS OF
THE MEMBER STATES RELATING TO HEATING SYSTEMS FOR
THE PASSENGER COMPARTMENT OF MOTOR-VEHICLES

PROPOSAL
FOR A COUNCIL DIRECTIVE
ON THE APPROXIMATION OF THE LAWS OF
THE MEMBER STATES RELATING TO THE
WHEEL GUARDS OF MOTOR VEHICLES

(submitted by the Commission to the Council)

COM(76) 702 final

EXPLANATORY MEMORANDUM

I. General

The procedure for the Community type approval of motor vehicles and their trailers, covered by the Council Directive 70/156/EEC of 6 February 1970 (1), did not mention hitherto the heating of the interior and the wheel guards of motor vehicles. However, since this Directive was adopted, some Member States considered it necessary to adopt, on a national level, requirements concerning those parts of vehicles.

Some of these national requirements concern more particularly vehicles of category "M₁", i.e. private motor vehicles and other vehicles used for the transport of passengers and having no more than 9 seats. For this reason, the Commission, in agreement with the experts of the Member States, considered it advisable to include, from the present moment, in the modification to this Directive which will soon be proposed to the Council, the items "heating of the interior" and "wheel guards" for which reference will be made to particular directives.

This measure will complete the Community type approval procedure and ensure the implementation of this procedure in the near future, at least for this category of vehicles.

This document relates to the Commission proposals concerning the above-mentioned directives. These proposals provide for the compulsory fitting of vehicles covered by their field of application with a heating device and with parts covering their wheels. The annexes of the proposed directives set out the necessary requirements for an appropriate design of these parts of the concerned vehicles, in order to ensure, in the case of the heating of the interior, the safety and comfort of passengers and, in the case of wheel guards, to protect other persons in the traffic, against the possible throwing up of stones, mud, water, etc...

.../...

II. Comments on the proposal for a Directive

Its scope is restricted to motor vehicles falling within category M₁ (private motor vehicles and any other vehicle intended to transport persons and having no more than 9 seats) intended for use on the road, having at least four wheels and a maximum design speed in excess of 25 km/h (Article 1).

Article 2 incorporates in the EEC procedure for type approval the requirements relating to the heating of interior and wheel guards for vehicles specified in Article 1.

Since at the moment some new Member States do not operate their own type approval procedure it is necessary to lay down provisions enabling vehicles complying with the requirements of the Directive (Article 3) (1) to be used in those Member States.

Article 4 lays down the procedure for adapting the requirements set out in the annexes to technical progress. This procedure is set out in Article 13 of the Council Directive of 6 February 1970 on the type approval of motor vehicles and of their trailers.

Article 5 provides for two deadlines : before expiry of the first deadline the Member States have to adopt and publish the measures necessary in order to comply with the Directive. The second deadline determines the date on which all of the Member States must simultaneously implement the common rules (Article 6, (1)).

Finally, the Commission must be informed, within reasonable time, of any draft provision drawn up by the Member States in the field covered by the Directive, since such information will enable the Commission to prepare any comments on the draft considered necessary (Article 5, (2)).

03 N° L 73 of 27 March 1972 "Documents concerning the accession to the European Communities of the Kingdom of Denmark, Ireland, the United Kingdom and Northern Ireland".

Act concerning the conditions of accession and the adjustments to the Treaties - Annex I, Title X.

II. CONSULTATION OF THE EUROPEAN PARLIAMENT AND OF THE ECONOMIC
AND SOCIAL COMMITTEE

The opinion of both these bodies is required as laid down in the provisions of Article 100, (2).

**PROPOSAL FOR A
COUNCIL DIRECTIVE**

**on the approximation of the laws of
the Member States relating to heating systems for
the passenger compartment of motor-vehicles**

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 heating systems for the passenger compartment of motor-vehicles;

Whereas those requirements differ from one Member State to another; whereas it is therefore necessary that all Member States adopt the same requirements either in addition to or in place of their existing rules, in order, in particular, to allow the EEC type-approval procedure, which was the subject of 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), to be introduced in respect of each type of vehicle;

Whereas the approximation of national laws relating to motor vehicles entails the mutual recognition by the Member States of the inspections carried out by each of them on the basis of the common requirements; whereas, for it to operate effectively, such a system calls for the implementation of these requirements by all Member States with effect from the same date,

HAS ADOPTED THIS DIRECTIVE :

Article 1

For the purpose of this Directive, "vehicle" means any motor vehicle in category M₁ (defined in Annex I of Directive 70/156/EEC) designed for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h, with the exception of vehicles which run on rails, agricultural or forestry tractors and machinery and public works vehicles.

Article 2

No Member State may refuse to grant EEC type-approval or national type-approval of a vehicle on grounds relating to the heating system for the passenger compartment if the latter satisfies the requirements laid down in Annex I.

Article 3

No Member State may refuse to register or may prohibit the sale, entry into service or use of any vehicle on grounds relating to the heating system for the passenger compartment if the latter satisfies the requirements laid down in Annex I.

Article 4

Any amendments necessary to adapt the provisions 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 adopt and publish the provisions necessary to comply with this Directive by 1 June 1978 and shall immediately inform the Commission thereof. They shall apply these provisions from 1 January 1979.

.../...

2. As soon as this Directive has been notified, Member States shall ensure that any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive are communicated to the Commission, in sufficient time for the latter to make its comments thereon.

Article 6

This Directive is addressed to the Member States.

ANNEX I

1. Definition

For the purpose of this Directive "Heating system for the passenger compartment of the vehicle" means any system which can raise the temperature in the space reserved for the occupants of the vehicle and which uses heat from the engine for this purpose.

2. Specifications

- 2.1. All vehicles must be fitted with a device for heating the passenger compartment.
- 2.2. The device must be designed in such a way that :
 - 2.2.1. the heated air entering the passenger compartment is not polluted by exhaust gases;
 - 2.2.2. the occupants of the vehicle cannot come into contact with any parts of this device which are liable to reach temperatures in excess of 70°C;
 - 2.2.3. the hot air entering the passenger compartment must not reach temperatures which are liable to cause burns to the occupants.
- 2.3. The requirements set out in section 2.2.1. are fulfilled in respect of heating systems which collect heat from the exhaust gases and / or cooling air from the engine, provided that the following conditions are met :
 - 2.3.1. the heat exchanger in the device must be leaktight at a pressure of at least 2 bar.
 - 2.3.2. the component of the heat exchanger through which the heated air passes must not include any detachable components.
 - 2.3.3. The part of the exhaust-gas heat exchanger wall, where the heat exchange takes place, must be at least 2 mm thick if made of non-alloyed steels.
 - 2.3.3.1. in cases where other materials are used (including composite or coated materials) the thickness of the wall must be such as to ensure that the wall has the same service life as the complete device.
 - 2.3.3.2. if the part of the exchanger where the heat transfer takes place is enamelled, the wall where such enamel is must be at least 1 mm thick. This coating must be durable and leak-tight, and must not be porous.

.../...

- 2.3.4. The pipe conducting the exhaust gases must include a section at least 50 mm long in which any corrosion which may occur should take place; this section must be situated directly downstream of the heat exchanger. It must always be uncovered and easily accessible.
- 2.3.4.1. The wall of this section must not be thicker than the pipes for the exhaust gases situated inside the heat exchanger and the materials and surface properties of this section must be comparable with those of these pipes.
- 2.3.4.2. If the heat exchanger forms a single unit with the vehicle exhaust silencer, the external wall of the latter must be considered as the section where any corrosion which may occur should take place, in compliance with item 2.3.4.1.
- 2.3.5. If there are any welds in the walls of the heat exchanger, such welds must be able to withstand any stresses occurring during operation of the exchanger and must not affect the service life of the exchanger.

3. APPLICATION FOR EEC TYPE-APPROVAL

- 3.1. The application for EEC approval with regard to the passenger compartment heating system of a vehicle type shall be submitted by the vehicle manufacturer or his representative.
- 3.2. It shall be accompanied by the following documents in triplicate, and by the following particulars :
- 3.2.1. a detailed description of the vehicle type with regard to the heating system for the passenger compartment; the engine type must be stated;
- 3.2.2. - layout drawing of the heating system, showing its position in the vehicle.
- 3.3. In the case of a heating system as defined in item 2.3., the technical authority may require a sample of the heat exchanger used in this type of system and / or any other component needed to prove that the exchanger complies with the requirements in the above item.
- 3.4. A vehicle representative of the type of vehicle to be approved must be submitted to the technical authority responsible for conducting type-approval tests.

ANNEX II

(Maximum format : A4 (210 x 297 mm))

Name of administration

Annex to the EEC type-approval certificate for a vehicle type with regard to the heating system for the passenger compartment (Articles 4(2) and 10 (2) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers)

Type-approval N°.....

1. Make (trade name).....
.....

2. Vehicle type

3. Manufacturer's name and address

4. If applicable, name and address of manufacturer's representative
.....
.....
.....

5. General description of the type of vehicle with regard to the heating system

6. Vehicle submitted for approval on

7. Technical service conducting the EEC type-approval tests

8. Date of report issued by that service

9. Number of report issued by that service

10. EEC type-approval with regard to heating system is granted/refused (*)

11. Place

12. Date

13. Signature

14. The following documents, bearing the type-approval number given above, are annexed to this type-approval certificate :
..... detailed descriptions and assembly drawing of the heating system and of any parts of the vehicle regarded as being of interest in connection with this Directive.

(*) Delete where inapplicable.

PROPOSAL FOR A
COUNCIL DIRECTIVE

on the approximation of the laws of
the Member States relating to the
wheel guards of motor vehicles.

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 their wheel guards;

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

Whereas the approximation of national laws relating to motor vehicles involves the mutual recognition of Member States of the inspections carried out by each of them on the basis of common provisions; whereas, for it to operate effectively, such a system calls for the implementation of these requirements by all Member States with effect from the same date,

HAS ADOPTED THIS DIRECTIVE

(1) OJ N° L 42, 23.2.1970, p. 1

Article 1

For the purpose of this Directive, "vehicle" means any motor vehicle in category M₁ (defined in Annex I of Directive 70/156/EEC) designed for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h, with the exception of vehicles which run on rails, agricultural or forestry tractors and machinery and public works vehicles.

Article 2

No Member State may refuse to grant EEC type-approval or national type-approval of a vehicle on grounds relating to the wheel guards if they satisfy the requirements laid down in Annex I.

Article 3

No Member State may refuse to register or may prohibit the sale, entry into service or use of any vehicle on grounds relating to the wheel guards if they satisfy the requirements laid down in Annex I.

Article 4

Any amendments necessary to adapt the provisions 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 adopt and publish the provisions necessary to comply with this Directive by 1 June 1978 and shall immediately inform the Commission thereof. They shall apply these provisions from 1 January 1979.

.../...

2. As soon as this Directive has been notified, Member States shall ensure that any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive are communicated to the Commission, in sufficient time for the latter to make its comments thereon.

Article 6

This Directive is addressed to the Member States.

ANNEX I

1. Presence

- 1.1 The motor vehicles must be provided with wheel guards (parts of the bodywork, mudguards, dirt traps) which cover their wheels in order to protect the other road users against the throwing up of stones, wind, ice, snow, water etc.

2. Specifications

- 2.1. The wheel guards must meet the following requirements when the vehicle is unladen and the wheels are in the dead ahead position :
- 2.1.1. Their width(s) must be such as to cover the total width of the tyres (b) or, in case of twin wheels, the total width of the two tyres (t) (see figure 1)
- 2.1.2. They must be as close as possible to the tyre and their outer edge (with respect to the vehicle) must be turned down in such a manner that :
- 2.1.2.1. the depth (p) of the edge is at least $\frac{1}{5}$ of the maximum tyre width (b) but in no case less than 3 cm (see figure 1)
- 2.1.2.2. the distance (c) between this edge and the center of the wheels is not more than 2 times the outer radius (r) of the tyres (see figure 2)
- 2.1.3 The rearmost edge of the wheel guard may terminate up to 150 mm above the horizontal wheel centre-line. The foremost edge of the wheel guard must be positioned in such a way that a radial plane passing through the edge forms an angle (v) of at least 30° with the vertical plane passing the centre of the wheels and perpendicular to the median longitudinal plane of the vehicle. This angle shall be measured in a direction forward of that vertical plane (see figure 2).

Fig. 1

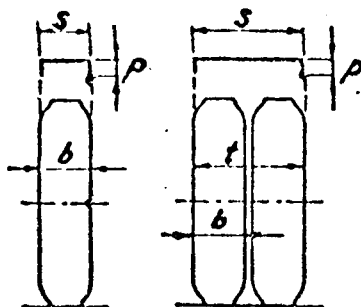
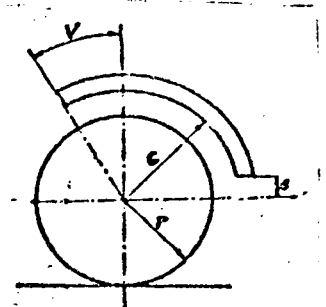


Fig. 2



2.2. Wheel guards may consist of several components if these are closely linked together.

2.3. Wheel guards must be firmly attached. They may, however, be detachable either as a unit or in parts.

3. Application for EEC type-approval

3.1. Applications for EEC type-approval in respect of vehicle wheel guards are to be submitted by the vehicle manufacturer or his authorised representative.

3.2. Applications should be accompanied by the documents mentioned (in triplicate), together with the following particulars :

3.2.1. detailed description of the vehicle type with reference to the wheel guards.

3.2.2. sketch of the wheel guards and their position on the vehicle.

3.3. A vehicle representative of the type of vehicle for which type-approval is sought should be delivered to the technical service responsible for carrying out the approval tests.

ANNEX II

(Maximum format : A4 (210 x 297 mm))

Name of administration

Annex to the EEC vehicle type-approval certificate with regard to the wheel guards (Article 4 (2) and Article 10 of the Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers).

Type approval N°

1. Trade name or mark of the vehicle
2. Vehicle type
3. Manufacturer's name and address
4. Where applicable, name and address of manufacturer's authorized representative
5. Brief description of the vehicle with regard to the wheel guards
6. Date on which vehicle submitted for type-approval
7. Technical service conducting type-approval tests
8. Date of test report issued by that service
9. Number of test report issued by that service
10. Type-approval in respect of wheel guards granted/refused (*)
11. Place
12. Date
13. Signature
14. The following documents are annexed to this communication : a detailed description and a sketch of the wheel guards as well as of other parts of the vehicle which are of interest with respect to the present directive.

* Delete as appropriate