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► **B****COUNCIL DIRECTIVE**

of 28 June 1977

on the approximation of the laws of the Member States relating to rear fog lamps for motor vehicles and their trailers

(77/538/EEC)

(OJ L 220, 29.8.1977, p. 60)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Directive 87/354/EEC of 25 June 1987	L 192	43	11.7.1987
► <u>M2</u>	Commission Directive 89/518/EEC of 1 August 1989	L 265	24	12.9.1989
► <u>M3</u>	Commission Directive 1999/14/EC of 16 March 1999	L 97	1	12.4.1999
► <u>M4</u>	Council Directive 2006/96/EC of 20 November 2006	L 363	81	20.12.2006
► <u>M5</u>	Council Directive 2013/15/EU of 13 May 2013	L 158	172	10.6.2013

Amended by:

► <u>A1</u>	Act of Accession of Greece	L 291	17	19.11.1979
► <u>A2</u>	Act of Accession of Spain and Portugal	L 302	23	15.11.1985
► <u>A3</u>	Act of Accession of Austria, Sweden and Finland (adapted by Council Decision 95/1/EC, Euratom, ECSC)	C 241 L 1	21 1	29.8.1994 1.1.1995
► <u>A4</u>	Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003

Corrected by:

- **C1** Corrigendum, OJ L 284, 10.10.1978, p. 11 (77/538/EEC)

**COUNCIL DIRECTIVE****of 28 June 1977****on the approximation of the laws of the Member States relating to rear fog lamps for motor vehicles and their trailers**

(77/538/EEC)

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 ⁽¹⁾,Having regard to the opinion of the Economic and Social Committee ⁽²⁾,Whereas the technical requirements which motor vehicles must satisfy pursuant to national laws relate *inter alia* to their rear fog lamps;Whereas these 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 ⁽³⁾, to be introduced in respect of each type of vehicle;Whereas in Directive 76/756/EEC ⁽⁴⁾, the Council laid down the common requirements for the installation of lighting and light-signalling devices on motor vehicles and their trailers;

Whereas a harmonized component type-approval procedure for rear fog lamps makes it possible for each Member State to check compliance with the common construction and testing requirements and to inform the other Member States of its findings by sending a copy of the component type-approval certificate completed for each type of rear fog lamp; whereas the placing of an EEC component type-approval mark on all rear fog lamps manufactured in conformity with the approved type obviates any need for technical checks on these rear fog lamps in the other Member States;

Whereas it is desirable to draft the technical requirements so that they have the same aim as the work being carried out on the subject in the UN Economic Commission for Europe;

⁽¹⁾ OJ No C 118, 16. 5. 1977, p. 29.⁽²⁾ OJ No C 114, 11. 5. 1977, p. 2.⁽³⁾ OJ No L 42, 23. 2. 1970, p. 1.⁽⁴⁾ OJ No L 262, 27. 9. 1976, p. 1.

▼ B

Whereas the approximation of national laws relating to motor vehicles entails reciprocal recognition by Member-States of the tests carried out by each of them on the basis of the common requirements,

HAS ADOPTED THIS DIRECTIVE:

*Article 1***▼ M3**

1. Each Member State shall grant EC component type-approval for any type of rear fog lamp which satisfies the construction and testing requirements laid down in the relevant Annexes.

▼ B

2. The Member State which has granted EEC component type-approval shall take the measures required in order to verify that production models conform to the approved type, in so far as this is necessary and if need be in cooperation with the competent authorities in the other Member States. Such verification shall be limited to spot checks.

*Article 2***▼ M3**

Member States shall, for each type of rear fog lamp which they approve pursuant to Article 1, issue to the manufacturer an EC component type-approval mark conforming to the model shown in Annex I, Appendix 3.

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Member States shall take all appropriate measures to prevent the use of marks liable to create confusion between rear fog lamps which have been type-approved pursuant to Article 1, and other devices.

Article 3

1. No Member State may prohibit the placing on the market of rear fog lamps on grounds relating to their construction or method of functioning if they bear the EEC component type-approval mark.

2. Nevertheless, a Member State may prohibit the placing on the market of rear fog lamps bearing the EEC component type-approval mark which consistently fail to conform to the approved type.

That State shall inform the other Member States and the Commission forthwith of the measures taken, specifying the reasons for its decision.

▼ M3*Article 4*

The competent authorities of the Member States shall inform each other, by means of the procedures specified in Article 4(6) of Directive 70/156/EEC, of each approval which they have granted, refused or withdrawn pursuant to this Directive.

▼B*Article 5*

1. If the Member State which has granted EEC component type-approval finds that a number of rear fog lamps bearing the same EEC component type-approval mark do not conform to the type which it has approved, it shall take the necessary measures to ensure that production models conform to the approved type. The competent authorities of that State shall advise those of the other Member States of the measures taken which may, where there is consistent failure to conform, extend to withdrawal of EEC component type-approval. The said authorities shall take the same measures if they are informed by the competent authorities of another Member State of such failure to conform.

2. The competent authorities of Member States shall inform each other within one month of any withdrawal of EEC component type-approval, and of the reasons for such a measure.

Article 6

Any decision taken pursuant to the provisions adopted in implementation of this Directive, to refuse or withdraw EEC component type-approval for a rear fog lamp or prohibit its placing on the market or use shall set out in detail the reasons on which it is based. Such decision shall be notified to the party concerned, who shall at the same time be informed of the remedies available to him under the laws in force in the Member States and of the time limits allowed for the exercise of such remedies.

Article 7

No Member State may refuse to grant EEC type-approval or national type-approval of any vehicle on grounds relating to its rear fog lamps if these bear the EEC component type-approval mark and are fitted in accordance with the requirements laid down in Directive 76/756/EEC.

Article 8

No Member State may refuse or prohibit the sale, registration, entry into service or use of any vehicle on grounds relating to its rear fog lamps if these bear the EEC component type-approval mark and are fitted in accordance with the requirements laid down in Directive 76/756/EEC.

▼M3*Article 9*

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 and of agricultural and forestry tractors and all mobile machinery.

▼B*Article 10*

Any amendments necessary 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.

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Article 11

1. Member States shall bring into force the provisions needed in order to comply with this Directive within 18 months of its notification and shall forthwith inform the Commission thereof.
2. Member States shall ensure that the texts of the main provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

Article 12

This Directive is addressed to the Member States.

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LIST OF ANNEXES

- ANNEX I: Administrative provisions for type approval
- Appendix 1:* Information document
 - Appendix 2:* Type-approval certificate
 - Appendix 3:* Models of the EC component type-approval mark
- ANNEX II: Technical requirements

▼ **M3***ANNEX I***ADMINISTRATIVE PROVISIONS FOR TYPE APPROVAL**

1. APPLICATION FOR EC COMPONENT TYPE-APPROVAL
 - 1.1. The application for EC component type-approval pursuant to Article 3(4) of Directive 70/156/EEC of a type of rear fog lamp shall be submitted by the manufacturer.
 - 1.2. A model for the information document is given in Appendix 1.
 - 1.3. The following must be submitted to the technical service responsible for conducting the type-approval tests:
 - 1.3.1. Two samples, equipped with the lamp or lamps recommended; if the devices are not identical but are symmetrical and suitable for mounting one on the left and one on the right side of the vehicle, the two samples submitted may be identical and be suitable for mounting only on the right or only on the left side of the vehicle.
2. MARKINGS
 - 2.1. The devices submitted for EC component type approval must bear:
 - 2.1.1. the trade name or mark of the manufacturer;
 - 2.1.2. in the case of lamps with replaceable light sources: the type(s) of filament lamp prescribed;
 - 2.1.3. in the case of lamps with non-replaceable light sources: the nominal voltage and wattage.
 - 2.2. These markings shall be clearly legible and indelible and shall be affixed to the illuminating surface, or to one of the illuminating surfaces, of the device. They shall be visible from the exterior when the device is fitted to the vehicle.
 - 2.3. Each device shall have sufficient space for the component type-approval mark. This space shall be indicated on the drawings referred to in Appendix 1.
3. GRANTING OF EC COMPONENT TYPE-APPROVAL
 - 3.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 4(3) and, if applicable, Article 4(4) of Directive 70/156/EEC shall be granted.
 - 3.2. A model for the EC type-approval certificate is given in Appendix 2.
 - 3.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of rear fog lamp approved. The same Member State shall not assign the same number to another type of rear fog lamp.
 - 3.4. Where EC component type approval is requested for a type of lighting and light-signalling device comprising a rear fog lamp and other lamps, a single EC component type-approval number may be assigned provided that the rear fog lamp complies with the requirements of this Directive and that each of the other lamps forming part of the lighting and light-signalling device for which EC component type approval is requested complies with the separate Directive applying to it.

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4. EC COMPONENT TYPE-APPROVAL MARK
- 4.1. In addition to the markings referred to in item 2.1., every rear fog lamp conforming to the type approved pursuant to this Directive shall bear an EC component type-approval mark.
- 4.2. This mark shall consist of:
- 4.2.1. a rectangle surrounding the letter 'e' followed by the distinguishing number or letters of the Member State which has granted type approval:
- 1 for Germany
 - 2 for France
 - 3 for Italy
 - 4 for the Netherlands
 - 5 for Sweden
 - 6 for Belgium

▼ A4

- 7 for Hungary
- 8 for the Czech Republic

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- 9 for Spain
- 11 for the United Kingdom
- 12 for Austria
- 13 for Luxembourg
- 17 for Finland
- 18 for Denmark

▼ M4

- 19 for Romania

▼ A4

- 20 for Poland

▼ M3

- 21 for Portugal
- 23 for Greece

▼ M5

- 25 for Croatia

▼ A4

- 26 for Slovenia
- 27 for Slovakia
- 29 for Estonia
- 32 for Latvia

▼ M4

- 34 for Bulgaria

▼ A4

- 36 for Lithuania
- CY for Cyprus

▼ M3

- IRL for Ireland

▼ A4

- MT for Malta;

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- 4.2.2. in the vicinity of the rectangle the 'base approval number' contained in section 4 of the type-approval number referred to in Annex VII to Directive 70/156/EEC, preceded by the two figures indicating the sequence number assigned to the most recent major technical amendment to Directive 77/538/EEC on the date EEC type-approval was granted. In this Directive the sequence number is 00;
- 4.2.3. an additional symbol consisting of the letter 'F'.
- 4.3. The EC component type-approval mark shall be affixed to the lens of the lamp or one of the lenses in such a way as to be indelible and clearly legible even when the lamps are fitted to the vehicle.
- 4.4. Examples of the EC component type-approval mark are given in Appendix 3, Figure 1.
- 4.5. Where a single EC component type-approval number is issued, as per item 3.4. above, for a type of lighting and light-signalling device comprising a rear fog lamp and other lamps, a single EC component type-approval mark may be affixed, consisting of:
- 4.5.1. a rectangle surrounding the letter 'e' followed by the distinguishing number or letters of the Member State which has granted type approval (see item 4.2.1.);
- 4.5.2. the base approval number (see item 4.2.2., first half-sentence);
- 4.5.3. if necessary, the required arrow, in so far as it relates to the lamp assembly as a whole.
- 4.6. This mark may be located anywhere on the lamps which are grouped, combined or reciprocally incorporated, provided that:
- 4.6.1. it is visible after the installation of the lamps;
- 4.6.2. no light-transmitting components of the grouped, combined or reciprocally incorporated lamps can be removed without simultaneously removing the approval mark.
- 4.7. The identification symbol for each lamp corresponding to each Directive pursuant to which EC component type approval was granted, together with the sequence number (see item 4.2.2.) and, where necessary, the letter 'D' and the required arrow shall be marked:
- 4.7.1. either on the appropriate light-emitting surface;
- 4.7.2. or in a group, in such a way that each of the grouped, combined or reciprocally incorporated lamps may be clearly identified.
- 4.8. The dimensions of the components of this mark must not be less than the minimum dimensions specified for individual marks by the various Directives pursuant to which EC component type approval was granted.
- 4.9. Examples of an EC component type-approval mark for a lamp that is grouped, combined or reciprocally incorporated with other lamps are given in figure 2 of Appendix 3.
5. MODIFICATIONS OF THE TYPE AND AMENDMENTS TO APPROVALS
- 5.1. In the case of modifications of the type approved pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.

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6. CONFORMITY OF PRODUCTION

- 6.1. As a general rule, measures to ensure the conformity of production shall be taken in accordance with the provisions laid down in Article 10 of Directive 70/156/EEC.
- 6.2. Every rear fog lamp shall comply with the photometric conditions specified in paragraphs 6 and 9 ⁽¹⁾. Nevertheless, in the case of a rear fog lamp selected at random from series production, the requirements as to minimum intensity of the light emitted (measured with a standard lamp as referred to in paragraph 7 ⁽¹⁾) shall be limited in each relevant direction to 80 per cent of the minimum value prescribed in paragraph 6 ⁽¹⁾.

⁽¹⁾ Of the documents referred to in point 1 of Annex II to this Directive.

▼ M3*Appendix 1*

Information document No ...

relating to the EC component type-approval of rear fog lamps

(Directive 77/538/EEC, as last amended by Directive .../EC)

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0. GENERAL
 - 0.1. Make (trade name of manufacturer):
 - 0.2. Type:
 - 0.5. Name and address of manufacturer:
 - 0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:
 - 0.8. Address(es) of assembly plant(s):
1. DESCRIPTION OF THE DEVICE
 - 1.1. Type of device:
 - 1.1.1. Device function(s):
 - 1.1.2. Category or class of device:
 - 1.1.3. Colour of the light emitted or reflected:
 - 1.2. Drawing(s) in sufficient detail to permit identification of the type of the device and showing:
 - 1.2.1. in what geometrical position the device is to be mounted on the vehicle (not applicable to rear registration plate lamps):
 - 1.2.2. the axis of observation to be taken as the axis of reference in the tests (horizontal angle $H = 0^\circ$, vertical angle $V = 0^\circ$) and the point to be taken as the centre of reference in the said tests (not applicable to retro-reflecting devices and rear registration plate lamps):
 - 1.2.3. the position intended for the EC component type-approval mark:
 - 1.2.4. for rear registration plate lamps, the geometrical position in which the device is to be fitted in relation to the space to be occupied by the registration plate, and the outline of the area adequately illuminated:
 - 1.2.5. for headlamps and front fog lamps, a frontal view of the lamps with details of lens ribbing, if any, and the cross section:
 - 1.3. A brief technical description stating, in particular, with the exception of lamps with non-replaceable light sources, the category or categories of light sources prescribed which shall be one or more of those contained in Directive 76/761/EEC (not applicable to retro-reflecting devices):

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- 1.4. Specific information
 - 1.4.1. For rear registration plate lamps, a statement whether the device is intended to illuminate a wide/tall/both wide and tall plate:.....
 - 1.4.2. For headlamps,
 - 1.4.2.1. information whether the headlamp is intended to provide both a dipped beam and main beam or only one of those beams:.....
 - 1.4.2.2. information in case the headlamp is intended to provide a dipped beam, if it is designed for both left-hand and right-hand traffic or for either left-hand or right-hand traffic only:.....
 - 1.4.2.3. if the headlamp is equipped with an adjustable reflector, an indication of the mounting position(s) of the headlamp in relation to the ground and the longitudinal median plane of the vehicle, if the headlamp is for use in that (those) position(s) only:.....
 - 1.4.3. For position lamps, stop lamps and direction indicators,
 - 1.4.3.1. if the device may also be used in an assembly of two lamps of the same category:.....
 - 1.4.3.2. in the case of devices with two levels of intensity (stop lamps and category 2b direction indicators), arrangement diagram and specification of the characteristics of the system ensuring the two levels of intensity:.....
 - 1.4.4. For retro-reflecting devices, a brief description giving the technical specifications of the materials of the retro-reflecting optical unit:
 - 1.4.5. For reversing lamps, a statement whether the device is intended to be installed on a vehicle exclusively in a pair of devices:

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Appendix 2

MODEL

(maximum format: A4 (210 × 297 mm))

EC TYPE-APPROVAL CERTIFICATE

Stamp of administration

Communication concerning the

- type-approval⁽¹⁾
- extension of type-approval⁽¹⁾
- refusal of type-approval⁽¹⁾
- withdrawal of type-approval⁽¹⁾

of a type of a vehicle/component/separate technical unit⁽¹⁾ with regard to Directive . . . /EEC, as last amended by Directive . . . /EC

Type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type:
- 0.3. Means of identification of type if marked on the vehicle/component/separate technical unit⁽¹⁾⁽²⁾:
.....
- 0.3.1. Location of that marking:
- 0.4. Category of vehicle⁽¹⁾⁽³⁾:
- 0.5. Name and address of manufacturer:
- 0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:
- 0.8. Address(es) of assembly plant(s):

SECTION II

1. Additional information (where applicable): See Addendum
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any): See Addendum
6. Place:

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7. Date:
8. Signature:
9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.

⁽¹⁾ Delete where not applicable.

⁽²⁾ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this type-approval certificate such characters shall be represented in the documentation by the symbol: “?” (e.g. ABC??123??).

⁽³⁾ As defined in Annex II A to Directive 70/156/EEC.

Addendum to EC type-approval certificate No ...

concerning the component type-approval of a lighting and/or light-signalling device with regard to Directive(s) 76/757/EEC; 76/758/EEC; 76/759/EEC; 76/760/EEC; 76/761/EEC; 76/762/EEC; 77/538/EEC; 77/539/EEC and 77/540/EEC⁽¹⁾ as last amended by Directive(s) ...

1. Additional information

1.1. Where applicable, indicate for each lamp

- 1.1.1. The category(ies) of the device(s):
- 1.1.2. The number and category of light sources (not applicable to retro reflector⁽²⁾):
- 1.1.3. The colour of the light emitted or reflected:
- 1.1.4. Approval granted solely for use as a replacement part on vehicles already in service: Yes/No⁽¹⁾

1.2. Specific information for certain types of lighting or light-signalling devices

- 1.2.1. For retro-reflecting devices: In isolation/part of an assembly of devices⁽¹⁾
- 1.2.2. For rear registration plate lamps: Device for illuminating a tall plate/a wide plate⁽¹⁾
- 1.2.3. For headlamps: If equipped with an adjustable reflector, the mounting position(s) of the headlamp in relation to the ground and the longitudinal median plane of the vehicle, if the headlamp is for use in that (those) position(s) only:
- 1.2.4. For reversing lamps: This device shall be installed on a vehicle only as part of a pair of devices: Yes/No⁽¹⁾

5. Remarks

5.1. Drawings

- 5.1.1. For rear registration plate lamps: the attached drawing No ... shows the geometric position in which the device is to be fitted in relation to the space to be occupied by the registration plate, and the outline of the area adequately illuminated;
- 5.1.2. for retro-reflecting devices: the attached drawing No ... shows the geometric position in which the device is to be fitted to the vehicle;
- 5.1.3. For all other lighting and light-signalling devices: the attached drawing No ... shows the geometric position in which the device is to be fitted to the vehicle, and the axis of reference and centre of reference of the device.
- 5.2. For headlamps: Operating mode used during the test (item 5.2.3.9 of Annex I to Directive 76/761/EEC):

⁽¹⁾ Delete where not applicable.

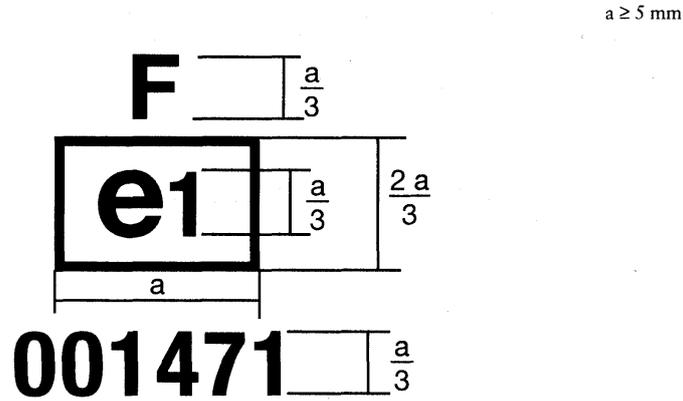
⁽²⁾ For lamps with non-replaceable light sources, indicate the number and the total wattage of the light sources.

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Appendix 3

EXAMPLES OF THE EC COMPONENT TYPE-APPROVAL MARK

Figure 1



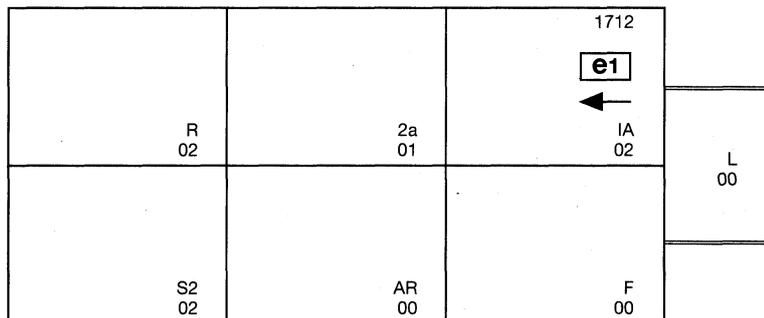
The device bearing the EC component type-approval mark shown above is a rear fog lamp, type approved in Germany (e1) pursuant to this Directive (00) under the base approval number 1471.

Figure 2

Simplified marking of grouped, combined or reciprocally incorporated lamps when two or more lamps are part of the same assembly

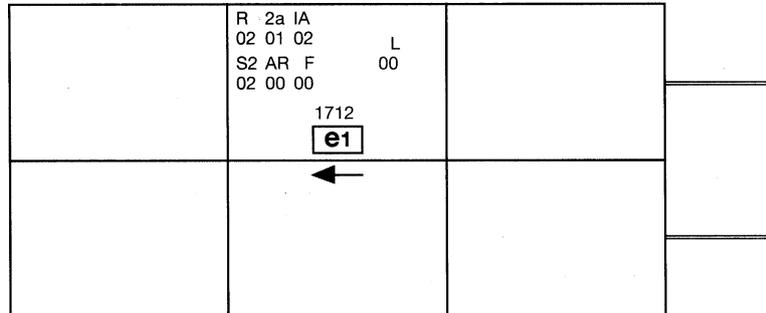
(The vertical and horizontal lines schematise the shape of the light-signalling device. These are not part of the approval mark)

MODEL A

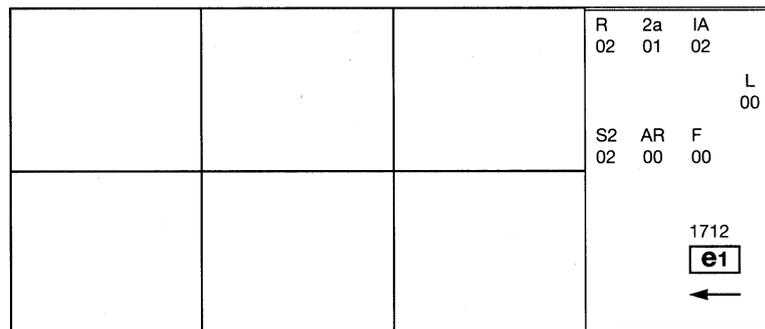


▼ M3

MODEL B



MODEL C



Note: The three examples of approval marks, models A, B and C represent three possible variants of the marking of a lighting and light-signalling device when two or more lamps are part of the same unit of grouped, combined or reciprocally incorporated lamps. These approval marks show that the device was approved in Germany (e1) under the base approval number 1712 and comprises:

A retro reflector of class IA approved in accordance with Directive 76/757/EEC, sequence No 02;

A rear direction indicator of category 2a approved in accordance with Directive 76/759/EEC, sequence No 01;

A red rear position lamp (R) approved in accordance with Annex II to Directive 76/758/EEC, sequence No 02;

A rear fog lamp (F) approved in accordance with Directive 77/538/EEC, sequence No 00;

A reserving lamp (AR) approved in accordance with Directive 77/539/EEC, sequence No 00;

A stop lamp with two levels of intensity (S2) approved in accordance with Annex II to Directive 76/758/EEC, sequence No 02;

A rear registration plate lamp (L) approved in accordance with Directive 76/760/EEC, sequence No 00.

▼ **M3***ANNEX II***TECHNICAL REQUIREMENTS**

1. The technical requirements are those set out in paragraphs 1, 5 to 9 and Annex 3 of UN-ECE Regulation No 38 which consists of a consolidation of the following documents:
 - the Regulation in its original form (00) ⁽¹⁾;
 - supplement 1 to Regulation No 38 ⁽²⁾;
 - supplements 2 and 3 to Regulation No 38 including modifications ⁽³⁾;
 - supplement 4 to Regulation No 38 ⁽⁴⁾;
 - supplement 5 to Regulation No 38 ⁽⁵⁾,
 except that:
 - 1.1. Where reference is made to ‘Regulation No 48’, this shall be understood as ‘Directive 76/756/EEC’.
 - 1.2. Where reference is made to ‘Regulation No 37’, this shall be understood as ‘Annex VII to Directive 76/761/EEC’.

⁽¹⁾ E/ECE/324 }
E/ECE/TRANS/505 } Rev. 1/Add. 37.

⁽²⁾ E/ECE/324 }
E/ECE/TRANS/505 } Rev. 1/Add. 37/Amend. 1.

⁽³⁾ E/ECE/324 }
E/ECE/TRANS/505 } Rev. 1/Add. 37/Amend. 2.

⁽⁴⁾ E/ECE/324 }
E/ECE/TRANS/505 } Rev. 1/Add. 37/Amend. 3.

⁽⁵⁾ TRANS/WP.29/524