

Proposal for a Council Directive on passenger hand-holds on two-wheel motor vehicles

(92/C 293/08)

COM(92) 337 final — SYN 435

(Submitted by the Commission on 28 September 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas it is necessary to adopt measures intended gradually to introduce the internal market over a period expiring on 31 December 1992; whereas the internal market comprises an entity without internal frontiers within which the free movement of goods, persons, services and capital is guaranteed;

Whereas in each Member State two-wheel motor vehicles must, in respect of the passenger hand-hold, display certain mandatory technical characteristics which differ from one Member State to another; whereas this disparity constitutes a barrier to trade within the Community;

Whereas these obstacles to the establishment and operation of the internal market can be removed if the same requirements are adopted by all Member States in place of their national regulations;

Whereas the drawing up of harmonized requirements concerning passenger hand-holds on two-wheel vehicles is necessary in order to enable the type-approval and component type-approval procedures covered by Directive 92/.../EEC to be implemented in respect of each type of said vehicle ⁽¹⁾;

Whereas, given the scale and impact of the action proposed in the sector in question, the Community measures which are the subject of this Directive are necessary, or even indispensable, to attain the objective set, namely Community vehicle type-approval; whereas this objective cannot be adequately achieved by the Member States individually;

Whereas there is a need for the rapid adjustment of the technical requirements set out in the Annex to this directive

to take account of technical progress; whereas this task should be entrusted to the Commission in order to simplify and expedite the procedure; whereas it is advisable, whenever the Council grants powers to the Commission for the implementation of the rules laid down in respect of two or three-wheel motor vehicles, to provide for an advance consultation procedure between the Commission and the Member States within an Advisory Committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive and its Annex shall apply to passenger hand-holds of all types of two-wheel vehicles as defined in Article 1 of Council Directive 92/.../EEC of ... on the type-approval of two or three-wheel motor vehicles.

Article 2

The procedure governing the granting of component type-approval for passenger hand-holds of a type of two-wheel motor vehicle and the conditions applying to the free movement of said vehicles shall be those set out in Directive 92/.../EEC, in the Chapters II and III respectively.

Article 3

Any amendments necessary to adapt the requirements of the Annexes to technical progress shall be adopted in accordance with the procedure laid down in Article 4 of this Directive.

Article 4

In all cases where reference is made to the procedure set out in this Article, the representative of the Commission shall submit to the Committee set up by Article 12 of Directive 70/156/EEC ⁽²⁾ a draft of the measures to be taken. The

⁽¹⁾ OJ No L ...

⁽²⁾ OJ No L 42 of 23. 2. 1970, p. 1, as last amended by Directive 92/53/EEC (OJ No L 225, 10. 8. 1992, p. 1).

Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 5

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to

comply with this directive not later than 1 August 1994. They shall forthwith inform the Commission thereof.

They shall implement these provisions with effect from 1 October 1994.

2. When the Member States adopt these provisions, the provisions shall contain a reference to this Directive or shall be accompanied by such a reference when they are published in official form. The procedures for making such reference shall be laid down by the Member States.

The conditions attached to that reference shall be laid down by the Member States.

Article 6

This Directive is addressed to the Member States.

ANNEX

1. GENERAL REQUIREMENTS

Where it is possible to carry a passenger the vehicle must be fitted with a passenger hand-hold system. That must take the form of a belt or a hand grip or hand grips.

1.1. Belts

The belt must be fitted to the seat in such a way that it may easily be used by the passenger. The belt and its attachment must be designed in such a way that they withstand, without snapping or suffering permanent deformation, a vertical traction force of 2 000 N applied statically to the centre of the surface of the strap at a maximum pressure of 2 MPa.

1.2. Hand grip

If a hand grip is used it must be close to the saddle and symmetrical to the median longitudinal plane of the vehicle.

This hand grip must be designed in such a way that it is able to withstand, without snapping or suffering permanent deformation, a vertical traction force of 2 000 N applied statically to the centre of the surface of the hand grip at a maximum pressure of 2 MPa.

If two hand grips are used they must be fitted one on each side in a symmetrical manner.

These hand grips must be designed in such a way that each is able to withstand, without snapping or suffering permanent deformation, a vertical traction force of 1 000 N applied statically to the centre of the surface of the hand grip at a maximum pressure of 1 MPa.

*Appendix 1***Information document in respect of passenger hand-holds on a type of two-wheel motor vehicle**

(to be attached to the application for component type-approval if this is submitted separately from the application for vehicle approval)

Order No (assigned by the applicant):

The application for component type-approval in respect of passenger hand-holds on a two-wheel motor vehicle shall contain the information set out under the following points in Annex II to Council Directive 92/.../EEC of ...

- under A:
 - 0.1
 - 0.2
 - 0.4 to 0.6;
- under B:
 - 1.5 to 1.5.2.

*Appendix 2***Certificate of component type-approval in respect of restraint devices for passengers on a type of two-wheel motor vehicle****MODEL**

Name of administration

Report No by inspecting body date

Component type-approval No: Extension No:

1. Mark or trade name of vehicle:
2. Type of vehicle:
3. Manufacturer's name and address:
4. If applicable, name and address of manufacturer's representative:
5. Vehicle submitted for test on:
6. Component type-approval granted/refused ⁽¹⁾:
7. Place:
8. Date:
9. Signature:

⁽¹⁾ Delete as appropriate.