

Road safety: two-wheel motor vehicles, requirements for stands (repeal. Directive 93/31/EEC). Codification

2003/0059(COD) - 13/07/2009 - Final act

PURPOSE: to codify the EU Directive on stands for two-wheel motor vehicles.

LEGISLATIVE ACT: Directive 2009/78/EC of the European Parliament and of the Council on stands for two-wheel motor vehicles (codified version).

CONTENT: Council Directive 93/31/EEC of 14 June 1993 on stands for two-wheel motor vehicles has been substantially amended. Thus, in the interests of clarity and rationality the said Directive should be codified.

Directive 93/31/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 92/61/EEC relating to the type-approval of two or three-wheel motor vehicles, as replaced by Directive 2002/24/EC relating to the type-approval of two or three-wheel motor vehicles, and lays down technical prescriptions concerning the design and construction of two-wheel motor vehicles as regards their stands. These technical prescriptions concern the approximation of the laws of the Member States to allow for the EC type-approval procedure provided for in Directive 2002/24/EC to be applied in respect of each type of vehicle. Consequently the provisions laid down in Directive 2002/24/EC relating to vehicle systems, components and separate technical units apply to this Directive.

Since the objective of this Directive, namely the granting of EC component type-approval in respect of the stand for a type of two-wheel motor vehicle, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in the Treaty. In accordance with the principle of proportionality, this Directive does not go beyond what is necessary in order to achieve that objective.

Under this Directive, Member States may not, on grounds relating to stands, refuse to grant EC type-approval for a type of two-wheel motor vehicle or prohibit the registration, sale or entry into service of two-wheel motor vehicles, if the stands of those vehicles comply with the requirements of this Directive. However, Member States shall refuse to grant EC type-approval for any new type of two-wheel motor vehicle on grounds relating to stands if the requirements of this Directive are not fulfilled.

Lastly, this Directive shall apply to stands for all types of two-wheel motor vehicles as referred to in Directive 2002/24/EC. It shall be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B.

ENTRY INTO FORCE: 23/09/2009.

APPLICATION: 01/01/2010.