

Council Directive of 16 October 1978 on the approximation
of the laws of the Member States relating to head restraints
of seats of motor vehicles (78/932/EEC) (repealed)

Article 1

1 Each Member State shall grant EEC component type-approval for any type of head restraint whether integrated or not in the seats of motor vehicles, which satisfies the construction and testing requirements laid down in Annexes I to V.

2 The Member State which has granted EEC component type-approval for the head restraints 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

Member States shall, for each type of head restraint which they approve pursuant to Article 1, issue, to the manufacturer, or to his authorized representative, an EEC component type-approval mark conforming to the model shown in Annex VI.

Member States shall take all appropriate measures to prevent the use of marks liable to create confusion between head restraints 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 head restraints 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 head restraints bearing the EEC component type-approval mark which consistently fail to conform to the approved type.

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

Article 4

The competent authorities of each Member State shall within one month send to the competent authorities of the other Member States a copy of the component type-approval certificates and extension certificates completed for each type of head restraint which they approve or refuse to approve.

Article 5

1 If the Member State which has granted EEC component type-approval finds that a number of head restraints bearing the same 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 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.

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2 The competent authorities of the Member States shall within one month inform each other 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 component type-approval for a head restraint 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 a vehicle on grounds relating to its head restraints, if these bear the EEC component type-approval mark and are intended for installation in the type of vehicle submitted for type-approval.

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 head restraints, if these bear the EEC component type-approval mark and are intended for installation in the type of vehicle submitted for type-approval.

Article 9

For the purposes of this Directive, 'vehicle' means any Category M1 motor vehicle (as defined in Annex I 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.

Article 10

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 13 of Directive 70/156/EEC.

Article 11

1 Member States shall bring into force the provisions necessary 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.