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COUNCIL DIRECTIVE 92/6/EEC

of 10 February 1992

on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community

(OJ L 57, 2.3.1992, p. 27)

Amended by:

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► <u>M1</u> Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002	L 327	8	4.12.2002

Corrected by:

► **C1** Corrigendum, OJ L 244, 30.9.1993, p. 34 (92/6/EEC)

**COUNCIL DIRECTIVE 92/6/EEC****of 10 February 1992****on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas one of the objectives of a common transport policy is to lay down common rules applicable to international transport within the Community and to facilitate the circulation of vehicles;

Whereas the growth of road traffic and the resulting increase in danger and nuisance present all Member States with road safety and environmental problems of a serious nature;

Whereas the available engine power for heavy goods vehicles and buses needed for climbing slopes enables them to be driven on level roads at excessive speeds that are not compatible with the specifications of other components of those vehicles such as brakes and tyres; whereas, for that reason and for reasons of environmental protection in certain Member States, speed limitation devices were made compulsory for certain categories of motor vehicles;

Whereas the beneficial effects of speed limitation devices with regard to protection of the environment and energy consumption, the wear and tear of the motor and tyres and road safety will be increased if such devices are in general use;

Whereas the use of speed limitation devices serves no purpose unless the appliances are of a degree of technical perfection such as will provide an adequate guarantee that no fraud is possible;

Whereas, as a first step, requirements should be introduced in the case only of the heaviest categories of motor vehicles which are most involved in international transport and thereafter, depending on technical possibilities and experiences in Member States, could be extended to lighter categories of motor vehicles;

Whereas, in certain Member States, vehicles intended exclusively for the carriage of dangerous goods must be equipped with speed limitation devices set at maximum speeds lower than those provided for by this Directive; whereas, in this specific case, the Member States in question should be allowed to maintain such regulations for vehicles registered within their territory because they enhance road safety and civil protection of the public, in accordance with the objectives of this Directive;

Whereas the installation of speed limitation devices on category M3 and N3 vehicles covered by this Directive, registered before it is brought into effect and intended exclusively for national transport operations could entail excessive costs in certain Member States; whereas it should therefore be made possible for those Member States to postpone the application of Articles 2 and 3 of this Directive to the vehicles concerned;

Whereas this Directive does not affect Member States' prerogatives as regards speed restriction provisions for traffic,

⁽¹⁾ OJ No C 225, 30. 8. 1991, p. 11.

⁽²⁾ OJ No C 13, 20. 1. 1992.

⁽³⁾ OJ No C 40, 17. 2. 1992.

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HAS ADOPTED THIS DIRECTIVE:

▼M1*Article 1*

For the purposes of this Directive, 'motor vehicle' means any power-driven vehicle falling within category M2, M3, N2 or N3, intended for use on the road and having at least four wheels and a maximum design speed exceeding 25 km/h.

Categories M2, M3, N2 and N3 shall be understood to be those defined in Annex II to Directive 70/156/EEC ⁽¹⁾.

Article 2

Member States shall take the necessary measures to ensure that motor vehicles of categories M2 and M3 referred to in Article 1 may be used on the road only if equipped with a speed limitation device set in such a way that their speed cannot exceed 100 kilometres per hour.

Category M3 vehicles registered before 1 January 2005 with a maximum mass exceeding 10 tonnes may continue to be equipped with devices on which the maximum speed is set at 100 kilometres per hour.

Article 3

1. Member States shall take the necessary measures to ensure that motor vehicles of categories N2 and N3 may be used on the road only if equipped with a speed limitation device set in such a way that their speed cannot exceed 90 kilometres per hour.

2. Member States shall be authorised to require that the speed limitation device in vehicles registered in their territory and used exclusively for the transport of dangerous goods is set in such a way that those vehicles cannot exceed a maximum speed of less than 90 kilometres per hour.

Article 4

1. For motor vehicles of category M3 having a maximum mass of more than 10 tonnes and motor vehicles of category N3, Articles 2 and 3 shall be applied:

- (a) to vehicles registered as from 1 January 1994, from 1 January 1994;
- (b) to vehicles registered between 1 January 1988 and 1 January 1994:
 - (i) from 1 January 1995, in the case of vehicles used for both national and international transport;
 - (ii) from 1 January 1996, in the case of vehicles used exclusively for national transport.

⁽¹⁾ 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 (OJ L 42, 23.2.1970, p. 1). Directive as last amended by Commission Directive 2001/116/EC (OJ L 18, 21.1.2002, p. 1).

▼M1

2. For motor vehicles of category M2, vehicles of category M3 having a maximum mass of more than 5 tonnes but not exceeding 10 tonnes and vehicles of category N2, Articles 2 and 3 shall apply at the latest:

- (a) to vehicles registered as from 1 January 2005;
- (b) to vehicles complying with the limit values set out in Directive 88/77/EEC ⁽¹⁾ registered between 1 October 2001 and 1 January 2005:
 - (i) from 1 January 2006 in the case of vehicles used for both national and international transport operations;
 - (ii) from 1 January 2007 in the case of vehicles used solely for national transport operations.

3. For a period of no more than three years from 1 January 2005, any Member State may exempt from the provisions of Articles 2 and 3 category M2 vehicles and category N2 vehicles with a maximum mass of more than 3,5 tonnes but not exceeding 7,5 tonnes, registered in the national register and not travelling on the territory of another Member State.

Article 5

1. The speed limitation devices referred to in Articles 2 and 3 must satisfy the technical requirements laid down in the Annex to Directive 92/24/EEC ⁽²⁾. However, all vehicles covered by this Directive and registered before 1 January 2005 may continue to be equipped with speed limitation devices which satisfy the technical requirements laid down by the competent national authorities.

2. Speed limitation devices shall be installed by workshops or bodies approved by the Member States.

▼B*Article 6*

The requirements of Articles 2 and 3 do not apply to motor vehicles used by armed forces, civil defence, fire and other emergency services and forces responsible for maintaining public order.

The same shall apply for motor vehicles which:

- by their construction, cannot drive faster than the limits provided for in Articles 2 and 3,
- are used for scientific tests on roads,
- are used only for public services in urban areas.

▼M1*Article 6a*

As part of the road safety action programme for the period 2002 to 2010, the Commission shall assess the road safety and road traffic implications of adjusting the speed limitation devices used by category M2 vehicles and by category N2 vehicles with a maximum mass of 7,5 tonnes or less to the speeds laid down by this Directive.

If necessary, the Commission shall submit appropriate proposals.

⁽¹⁾ Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles (OJ L 36, 9.2.1988, p. 33). Directive as last amended by Commission Directive 2001/27/EC (OJ L 107, 18.4.2001, p. 10).

⁽²⁾ Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (OJ L 129, 14.5.1992, p. 154).

▼B*Article 7*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 October 1993. They shall immediately inform the Commission thereof.

When these provisions are adopted by Member States, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for making such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

Article 8

This Directive is addressed to the Member States.