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COUNCIL

COUNCIL DIRECTIVE

of 17 December 1973

on the extension of the period of validity of the Directive of 20 July 1972 concerning aids to shipbuilding

(74/59/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Articles 92 and 113 thereof;

Having regard to the proposal of the Commission;

Whereas the Council Directive of 20 July 1972 ⁽¹⁾ concerning aids to shipbuilding expires on 31 December 1973;

Whereas Article 7 of this Directive provides that the Commission shall examine the development of supply and demand in the international shipbuilding market as well as the incidence of the totality of aids and interventions which have a material effect, whether direct or indirect, on the conditions of competition and trade in this market in the Community, and that it submit proposals based on the results of this study;

Whereas such proposals were submitted to the Council on 5 November 1973; whereas these proposals are of a very complex character, comprising guidelines for an industrial policy for shipbuilding as well as a draft third directive regarding direct and indirect aids in this sector;

Whereas it does not appear possible, having regard to the complexity of these proposals, that the Council can reach a decision on the Commission's proposals before 31 December 1973, the date of expiry of the Council Directive of 20 July 1972;

Whereas provision should therefore be made for an extension of the period of validity of the Council Directive of 20 July 1972; and a period of six months should allow the Council to reach a decision,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The period of validity of the Council Directive of 20 July 1972 shall be extended until 30 June 1974.

Article 2

The Member States are the addressees of this Directive.

Done at Brussels, 17 December 1973.

For the Council

The President

I. NØRGAARD

⁽¹⁾ OJ No L 169, 27. 7. 1972, p. 28.

COUNCIL DIRECTIVE

of 17 December 1973

on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (interior parts of the passenger compartment other than the interior rear-view mirrors, layout of the controls, the roof or sliding roof, the backrest and rear part of the seats)

(74/60/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 interior fittings for the protection of the occupants;

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 regulations in order, in particular, to allow for the EEC type approval procedure, which was the subject of the Council Directive of 6 February 1970 ⁽³⁾ on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers to be applied in respect of each type of vehicle;

Whereas common requirements for interior rear view mirrors have been laid down by the Council Directive of 1 March 1971 ⁽⁴⁾ and requirements should also be drawn up for the interior fittings of the passenger compartment, the layout of the controls, the roof and backrest and rear part of the seats; whereas other requirements will be adopted subsequently on interior fittings and relating to the anchorages for

safety belts and seats, head restraints, the protection of the driver against the steering unit and the layout of the controls;

Whereas harmonized requirements must reduce the risk or the severity of injuries of which motor vehicle drivers may be victims and thereby ensure road safety throughout the entire Community;

Whereas, with regard to technical requirements, it is appropriate to utilize basically those adopted by the United Nations Economic Commission for Europe in its Regulation No 21 ('Uniform requirements concerning the approval of vehicles with regard to their interior fittings') which is annexed to the Agreement of 20 March 1958 concerning the adoption of uniform conditions of approval and reciprocal recognition of approval for motor vehicle equipment and parts,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of the Directive, 'vehicle' means any motor vehicle in category M1 (defined in Annex I of the Directive of 6 February 1970) designed for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h.

Article 2

No Member State may refuse to grant EEC type approval or national type approval of a vehicle on grounds relating to such interior fittings of the vehicles as:

— the interior parts of the passenger compartment other than the interior rear-view mirror or mirrors,

— the layout of the controls,

⁽¹⁾ OJ No C 112, 27. 10. 1972, p. 14.

⁽²⁾ OJ No C 123, 27. 11. 1972, p. 32.

⁽³⁾ OJ No L 42, 23. 2. 1970, p. 1.

⁽⁴⁾ OJ No L 68, 22. 3. 1971, p. 1.

- the roof or sliding roof,
- the backrest and rear part of the seats,

if these meet the requirements set out in the Annexes.

Article 3

No Member State may refuse to register or prohibit the sale, entry into service or use of any vehicle on grounds relating to:

- the interior parts of the passenger compartment other than the interior rear-view mirror or mirrors,
- the layout of the controls,
- the roof or sliding roof,
- the backrest and the rear part of the seats,

if these items meet the requirements set out in the Annexes.

Article 4

The Member State which has granted type approval must take the necessary measures to ensure that it is informed of any modification of a part or characteristic referred to in Annex I, 2.2. The competent authorities of that State shall determine whether fresh tests should be carried out on the modified vehicle and a fresh report drawn up. Where such tests reveal failure to comply with the

requirement of this Directive, the modification shall not be approved.

Article 5

Modifications which are necessary to adapt the provisions of the Annexes to take account of technical progress shall be adopted in accordance with the procedure laid down in Article 13 of the Council Directive of 6 February 1970 on the approximation of the laws of Member States relating to the type approval of motor vehicles and their trailers.

Article 6

1. Member States shall put into force provisions necessary in order to comply with this Directive within eighteen months of its notification and shall immediately 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 7

This Directive is addressed to the Member States.

Done at Brussels, 17 December 1973.

For the Council
The President
I. NØRGAARD

ANNEX I⁽¹⁾

DEFINITIONS, APPLICATIONS FOR EEC APPROVAL AND SPECIFICATIONS

(1.)

2. DEFINITIONS

For the purposes of this Directive

(2.1.)

2.2. 'Vehicle type' with respect to the interior fittings of the passenger compartment (other than the rear-view mirror(s): the arrangement of the controls, the roof or sliding roof, the back rest and rear part of the seats) means motor vehicles which do not differ in such essential respects as:

2.2.1. the lines of constituent materials of the bodywork of the passenger compartment,

2.2.2. the arrangement of the controls,

2.3. 'reference zone' means the head impact zone as defined in Annex II except:

2.3.1. the area bounded by the forward horizontal projection of a circle circumscribing the outer limits of the steering control, increased by a peripheral band 127 mm in width; this area is bounded below by the horizontal plane tangential to the lower edge of the steering control when the latter is in the position for driving straight ahead,

2.3.2. the part of the surface of the instrument panel comprised between the edge of the area specified in point 2.3.1 above and the nearest inner side-wall of the vehicle; this surface is bounded below by the horizontal plane tangential to the lower edge of the steering control; and

2.3.3. the windscreen side pillars,

2.4. 'level of the instrument panel' shall mean the line defined by the points of contact of vertical tangents to the instrument panel,

2.5. 'roof' shall mean the upper part of the vehicle extending from the upper edge of the windscreen to the upper edge of the rear window, bounded at the sides by the upper framework of the side-walls,

2.6. 'belt line' shall mean the line constituted by the visible lower contour of the side windows of the vehicle,

2.7. 'convertible vehicle' shall mean a vehicle which may, in certain cases, have no rigid structural element above the belt line other than the windscreen pillars or roll bar(s),

2.8. 'vehicle with sliding roof' shall mean a vehicle of which only the roof or a part of it can be folded back or removed, leaving the existing structural elements of the vehicle above the belt line.

3. APPLICATION FOR EEC TYPE APPROVAL

3.1. The application for type approval of a vehicle shall be submitted by the vehicle manufacturer or by his representative.

⁽¹⁾ The text of the Annexes is basically similar to that of Regulation No 21 of the United Nations' Economic Commission for Europe and in particular the subdivision into points is the same; for this reason when an item in Regulation No 21 does not figure as a corresponding item in this Directive, its number is shown for the record in brackets.

- 3.2. It shall be accompanied by the undermentioned documents in triplicate and by the following particulars:
- a detailed description of the vehicle type with regard to the items mentioned in point 2.2 above;
 - a photograph or an exploded view of the passenger compartment; and
 - the numbers and/or symbols identifying the vehicle type must be specified.
- 3.3. The following must be submitted to the technical service responsible for conducting the tests:
- 3.3.1. at the manufacturer's discretion, either a vehicle representative of the vehicle type to be approved or the part(s) of the vehicle regarded as essential for the checks and tests prescribed by this Directive; and
- 3.3.2. at the request of the aforesaid technical service, certain components and certain samples of the materials used.

(4.)

5. SPECIFICATIONS

5.1. Forward interior parts of the passenger compartment above the level of the instrument panel in front of the front seat H points, excluding the side doors

5.1.1. The reference zone defined in point 2.3 above must not contain any dangerous roughness or sharp edges likely to increase the risk of serious injury to the occupants. Those parts referred to in points 5.1.2 to 5.1.6 hereafter shall be deemed satisfactory if they comply with the requirements thereof.

5.1.2. Vehicle parts within the reference zone with the exception of those which are not part of the instrument panel and which are placed at less than 10 cm from glazed surfaces shall be energy-dissipating as prescribed in Annex III. Those parts within the reference zone which satisfy both of the following conditions shall also be excluded from consideration:

- if, during a test in accordance with the requirements of Annex III, the pendulum makes contact with parts outside the reference zone; and
- if the parts to be tested are placed less than 10 cm away from the parts contacted outside the reference zone, this distance being measured on the surface of the reference zone;

any metal support fittings shall have no protruding edges.

5.1.3. The lower edge of the instrument panel, unless it meets the requirements of point 5.1.2 above, shall be rounded to a radius of curvature of not less than 19 mm.

5.1.4. Switches, pull-knobs, etc, made of rigid material, which, measured in accordance with the method described in Annex V from 3.2 mm to 9.5 mm from the panel, shall have a cross-sectional area of not less than 2 cm², measured 2.5 mm from the point projecting furthest, and shall have rounded edges with a radius of curvature of not less than 2.5 mm.

5.1.5. If these components project by more than 9.5 mm from the surface of the instrument panel, they shall be so designed and constructed as to be able, under the effect of a longitudinal horizontal force of 37.8 daN delivered by a flat ended ram of not more than 50 mm diameter either to retract into the surface of the panel until they do not project by more than 9.5 mm or to become detached; in the latter case no dangerous projections of more than 9.5 mm shall remain; a cross-section not more than 6.5 mm from the point of maximum projection shall be not less than 6.50 cm² in area.

- 5.1.6. In the case of a projection consisting of a component made of non-rigid material of less than 50 shore A hardness mounted on a rigid support, the requirements of points 5.1.4 and 5.1.5 shall apply only to the rigid support.
- 5.2. **Forward interior parts of the passenger compartment below the level of the instrument panel and in front of the front seat H points, excluding the side doors and the pedals**
- 5.2.1. Except for the pedals and their fixtures and those components that cannot be contacted by the device described in Annex VI and used in accordance with the procedure described therein, components covered by point 5.2 shall comply with the requirements of points 5.1.4 to 5.1.6 above.
- 5.2.2. The hand-brake control, if mounted on or under the instrument panel, shall be so placed that, when it is released, there is no possibility of occupants of the vehicle's contacting it in the event of a frontal impact. If this condition is not met, the surface area of the control shall satisfy the requirements of point 5.3.2.3 below.
- 5.2.3. Shelves and other similar items shall be so designed and constructed that their supports in no case have protruding edges and they meet one or other of the following conditions:
- 5.2.3.1. the part facing into the vehicle shall present a surface not less than 25 mm high with edges rounded to a radius of curvature of not less than 3.2 mm. This surface shall be covered with an energy-dissipating material as defined in Annex III, and shall be tested in accordance therewith, the impact being applied in a horizontal longitudinal direction.
- 5.2.3.2. Shelves and other similar items shall, under the effect of a forward-acting horizontal longitudinal force of 37.8 daN exerted by a cylinder of 110 mm diameter with its axis vertical, become detached, break up, be substantially distorted or retract without producing dangerous features on the rim of the shelf. The force must be directed at the strongest part of the shelves or other similar items.
- 5.2.4. If the items in question contain a part made of material softer than 50 shore A hardness when fitted to a rigid support, the above requirements, except for the requirements covered by Annex III relating to energy absorption, shall apply.
- 5.3. **Other interior fittings in the passenger compartment in front of the transverse plane passing through the torso reference line of the manikin placed on the rear seats**
- 5.3.1. *Scope*
The requirements of point 5.3.2 below shall apply to control handles, levers and knobs and to any other protruding objects not referred to in point 5.1 and 5.2 above.
- 5.3.2. *Requirements*
If the items referred to in point 5.3.1 are so placed that occupants of the vehicle can contact them, they shall meet the requirements of point 5.3.2.1 to 5.3.4. If they can be contacted by a 165 mm diameter sphere and are above the H point of the front seats and forward of the transverse plane of the vehicle reference line of the manikin on the rear seat, and outside the zones defined in points 2.3.1 and 2.3.2, these requirements shall be considered to have been fulfilled if ...

- 5.3.2.1. Their surface shall terminate in rounded edges, the radii of curvature being not less than 3·2 mm.
- 5.3.2.2. Control levers and knobs shall be so designed and constructed that, under the effect of a forward-acting longitudinal horizontal force of 37·8 daN either the projection in its most unfavourable position shall be reduced to not more than 25 mm from the surface of the panel or the said fittings shall become detached or bent: in the two latter cases no dangerous projections shall remain.
Window winders may, however, project 35 mm from the surface of the panel.
- 5.3.2.3. The hand brake control when in the released position and the gear lever when in any forward gear position, except when placed in the zones defined in points 2.3.1 and 2.3.2 and zones below the horizontal plane passing through the H point of the front seats, shall have a surface area of at least 6·5 cm² measured at a cross-section normal to the longitudinal horizontal direction up to a distance of 6·5 mm from the furthest projecting part, the radius of curvature being not less than 3·2 mm.
- 5.3.3. The requirements in point 5.3.2.3 shall not apply to floor-mounted handbrake controls if the height of the grip in the released position is below a horizontal plane passing through the H point (see Annex IV).
- 5.3.4. Other items of equipment in the vehicle not covered by the preceding points such as seat slide rails, equipment for regulating the horizontal or vertical part of the seat, devices for retracting safety belts, etc. shall not be subject to any of these provisions if they are situated below a horizontal plane passing through the H point of each seat, even though the occupant is likely to come into contact with such items.
- 5.3.5. If the items in question include a part made of material softer than 50 shore A hardness mounted on a rigid support, the above requirements shall apply only to the rigid support.
- 5.4. **Roof**
- 5.4.1. *Scope*
- 5.4.1.1. The requirements of point 5.4.2 below shall apply to the inner face of the roof.
- 5.4.1.2. However, they shall not apply to such parts of the roof as cannot be contacted by a sphere 165 mm in diameter.
- 5.4.2. *Requirements*
- 5.4.2.1. That part of the inner face of the roof which is situated above or forward of the occupants shall exhibit no dangerous roughness or sharp edges, directed rearwards or downwards. The width of the projecting parts shall not be less than the amount of their downward projection and the edges shall have a radius of curvature of not less than 5 mm. In particular, the rigid roof sticks or ribs shall not project downwards more than 19 mm and must be streamlined as described in Annex V.
- 5.4.2.2. If the roof sticks or ribs do not meet the requirements of point 5.4.2.1, they must be covered with an energy-dissipating material as prescribed in Annex III.
- 5.5. **Sliding roof**
- 5.5.1. *Requirements*
- 5.5.1.1. The following requirements and those of point 5.4 above concerning the roof shall apply to the sliding roof when it is in the closed position.

- 5.5.1.2. In addition, the opening and operating devices shall:
be so designed and constructed as to exclude as far as possible accidental operation;
- 5.5.1.2.2. where possible, be streamlined as described in Annex V: their surfaces shall terminate in rounded edges, the radii of curvature being not less than 5 mm;
- 5.5.1.2.3. be accommodated, when in the position of rest, in areas which cannot be contacted by a sphere 165 mm in diameter. If this condition cannot be met, the opening and operating devices shall, in the position of rest, either remain retracted or be so designed and constructed that, under the effect of a force of 37.8 daN applied in the direction of impact defined in Annex III as the tangent to the trajectory of the headform, either the projection as described in Annex V shall be reduced to not more than 25 mm beyond the surface on which the devices are mounted or the devices shall become detached; in the latter case no dangerous projections shall remain.
- 5.6. **Convertible vehicles and vehicles with sliding roof**
- 5.6.1. In the case of convertible vehicles only, the underside of the top of the roll-bar and the top of the windscreen frame shall comply with the requirements of point 5.4.
- 5.6.2. Vehicles with a sliding roof shall be subject to the requirements of point 5.5, applicable to vehicles with a sliding roof.
- 5.7. **Rear parts of seats**
- 5.7.1. *Requirements*
- 5.7.1.1. The surface of the rear parts of seats shall exhibit no dangerous roughness or sharp edges likely to increase the risk or severity of injury to the occupants.
- 5.7.1.2. Except as provided in points 5.7.1.2.1., 5.7.1.2.2, and 5.7.1.2.3, that part of the back of the front seat which is in the head-impact zone, defined in Annex II, shall be energy-dissipating, as prescribed in Annex III. For determining the head-impact zone, the front seats shall, if they are adjustable, be in the rearmost driving position with their backs inclined as near as possible to 25° unless indicated otherwise by the manufacturer.
- 5.7.1.2.1. In the case of separate front seats, the rear passengers' head-impact zone shall extend for 10 cm on either side of the seat centre-line, in the top part of the rear of the seat-back.
- 5.7.1.2.1. bis ⁽¹⁾ In the case of seats fitted with head-restraints each test shall be carried out with the head-restraint in the lowest position and at a point situated on the vertical line passing through the centre of the head-restraint.
- 5.7.1.2.1. ter ⁽¹⁾ In the case of a seat which is designed to be fitted in several types of vehicle, the impact zone shall be determined by the vehicle whose rearmost driving position is, of each of the types considered, the least favourable; the resultant impact zone will be deemed adequate for the other types.
- 5.7.1.2.2. In the case of front bench seats, the impact zone shall extend between the longitudinal vertical planes 10 cm outboard of the centre line of each designated outboard seating position. The centre line of each outboard seating position of a bench seat shall be specified by the manufacturer.
- 5.7.1.2.3. In the head impact zone outside the limits prescribed in points 5.7.1.2.1 (a) and (b) and 5.7.1.2.2, the seat frame structure shall be padded to avoid direct

⁽¹⁾ These points are not included in Regulation No 21.

contact of the head with it: and, in these zones, shall have a radius of curvature of at least 5 mm. These parts may satisfy the energy dissipating requirements specified in Annex III.

5.7.2. If the impact zones of the seats, head-restraints and their supports contain parts covered with material softer than 50 shore A hardness the above requirements, with the exception of those relating to energy dissipation described in Annex III, shall apply only to the rigid parts. These requirements shall not apply to the rearmost seats, to seats facing sideways or rearwards, to back-to-back seats.

5.8. The requirements of paragraph 5 shall apply to such fittings not mentioned in previous paragraphs which, within the meaning of the various requirements in points 5.1 to 5.7 and according to their location in the vehicle, are capable of being contacted by the occupants. If such parts are made of a material softer than 50 shore A hardness and mounted on (a) rigid support(s), the requirements in question shall apply only to the rigid support(s).

(6.)

(7.)

(8.)

(9.)

ANNEX II

DETERMINATION OF THE HEAD-IMPACT ZONE

1. The head-impact zone shall comprise all the non-glazed surfaces of the interior of a vehicle which are capable of entering into static contact with a spherical head 165 mm in diameter which is an integral part of a measuring apparatus whose dimensions from the pivotal point of the hip to the top of the head is continuously adjustable between 736 mm and 840 mm.
2. The aforesaid zone must be determined by the following procedure or its graphic equivalent:
 - 2.1. The pivotal point of the measuring apparatus shall be placed as follows for each seating position for which the manufacturer has made provision:
 - 2.1.1. in the case of sliding seats
 - 2.1.1.1. at the H point (see Annex IV) and
 - 2.1.1.2. at a point situated horizontally 127 mm forward of the H point and at a height either resulting from the variation in the height of the H point caused by a forward shift of 127 mm or of 19 mm.
 - 2.1.2. in the case of non-sliding seats, at the H point of the seat under consideration.
 - 2.2. All points of contact situated below the lower edge of the windscreen and forward of the H point shall be determined for each dimension from the pivotal point to the top of the head capable of being measured by the test apparatus within the interior dimensions of the vehicle.
 - 2.3. If there is no point of contact in the case of adjustment within the above limits, with the test apparatus vertical, possible points of contact shall be determined by pivoting the measuring apparatus forwards and downwards through all arcs of vertical planes as far as 90° from the vertical plane perpendicular in relation to the longitudinal vertical plane of the vehicle and passing through the H point.
3. A 'point of contact' shall be a point at which the head of the apparatus contacts a part of the interior of the vehicle. The maximum downward movement shall be limited to a position where the head is tangential to a horizontal plane situated 25.4 mm above the H point.

ANNEX III

PROCEDURE FOR TESTING ENERGY DISSIPATING MATERIALS

1. SETTING UP, TEST APPARATUS AND PROCEDURE

1.1. Setting up

1.1.1. The energy-dissipating material shall be mounted and tested on the structural supporting member on which it is to be installed on the vehicle. The test shall preferably be carried out, where possible, directly on the body. The structural member, or the body, shall be firmly attached to the test bench so that it does not move under impact.

1.1.2. However, at the manufacturer's request, the item may be mounted on a fitting simulating its installation on the vehicle, on condition that the 'component/fitting' assembly has the same geometrical arrangement and a degree of rigidity not lower and on energy-dissipating capacity not higher than those of the real 'component/structural supporting member' assembly.

1.2. Test apparatus

1.2.1. This apparatus shall consist of a pendulum whose pivot is supported by ballbearings and whose reduced mass ⁽¹⁾ at its centre of percussion is 6.8 kg. The lower extremity of the pendulum shall consist of a rigid headform 165 mm in diameter whose centre is identical with the centre of percussion of the pendulum.

1.2.2. The headform shall be fitted with 2 decelerometers and a speed measuring device, all capable of measuring values in the direction of impact.

1.3. Recording instruments

The recording instruments used shall be such that measurements can be made with the following degrees of accuracy:

1.3.1. Acceleration:

- accuracy = $\pm 5\%$ of the real value
- frequency response = up to 1 000 Hz
- cross axis sensitivity = $< 5\%$ of the lowest point on the scale

1.3.2. Speed:

- accuracy = $\pm 2.5\%$ of the real value
- sensitivity = 0.5 km/h

1.3.3. Indentation of the test component by the headform:

- accuracy = $\pm 5\%$ of the real value
- sensitivity = 1 mm

⁽¹⁾ Note: The relationship of the reduced mass 'm_r' of the pendulum to the total mass 'm' of the pendulum at a distance 'a' between the centre of percussion and the axis of rotation and at a distance 'l' between the centre of gravity and the axis of rotation is given by the formula:

$$m_r = m \frac{l}{a}$$

1.3.4. Time recording:

- the instrumentation shall enable the action to be recorded throughout its duration and readings to be made to within one thousandth of a second
- the beginning of the impact at the moment of first contact between the headform and the test component shall be noted on the recordings used for analysing the test.

1.4. Test procedure

- 1.4.1. At every point of impact on the surface to be tested, the direction of impact shall be the tangent to the trajectory of the headform of the measuring apparatus described in Annex II.
- 1.4.2. Where the angle between the direction of impact and the perpendicular to the surface at the point of impact is 5° or less, the test shall be carried out in such a way that the tangent to the trajectory of the centre of percussion of the pendulum coincides with the direction defined in point 1.4.1. The headform shall strike the test component at a speed of 24.1 km/h; this speed shall be achieved either by the mere energy of propulsion or by using an additional propelling device.
- 1.4.3. Where the angle between the direction of impact and the perpendicular to the surface at the point of impact is more than 5° , the test may be carried out in such a way that the tangent to the trajectory of the centre of percussion of the pendulum coincides with the perpendicular to the point of impact. The test speed shall then be reduced to the value of the normal component of the speed prescribed in point 1.4.2.

2. RESULTS

In tests carried out according to the above procedures, the deceleration of the headform shall not exceed 80 g continuously for more than 3 milliseconds. The deceleration rate taken shall be the average of the readings of the two decelerometers.

3. EQUIVALENT PROCEDURES

- 3.1. Equivalent test procedures shall be permitted, on condition that the results required in paragraph 2 above can be obtained.
- 3.2. Responsibility for demonstrating the equivalence of a method other than that described in paragraph 1 shall rest with the person using such a method.

ANNEX IV

PROCEDURE FOR DETERMINING THE H POINT AND CHECKING THE RELATIVE POSITION OF POINTS R AND H

1. DEFINITIONS

- 1.1. The H point, which indicates the position of a seated occupant in the passenger compartment, is the trace, in a longitudinal vertical plane, of the theoretical axis of rotation between the leg and the torso of the human body, represented by a manikin.
- 1.2. The R point, being the 'seating reference point', is the manufacturer's design reference point which:
 - 1.2.1. establishes the rearmost normal driving or travelling position of each seat provided in the vehicle by the manufacturer;
 - 1.2.2. has coordinates established relative to the designed vehicle structure;
 - 1.2.3. simulates the position of pivot centre of the human torso and thigh (the H point).

2. DETERMINATION OF H POINTS

- 2.1. An H point shall be determined for each seat provided by the vehicle manufacturer. When the seats in the same row can be regarded as similar (bench seat, identical seats, etc.), only one H point shall be determined for each row of seats, the manikin described in paragraph 3 below being seated in a place regarded as representative for the row. This place shall be:
 - 2.1.1. in the case of the front row, the driver's seat;
 - 2.1.2. in the case of the rear row (or rows), an outboard seat.
- 2.2. When an H point is being determined, the seat in question shall be placed in the rearmost normal position provided by the manufacturer for driving or travelling, the back, if adjustable, being locked in a position corresponding as near as possible to a 25° rearward inclination in relation to the vertical of the torso reference line of the manikin described in point 3 below, unless otherwise specified by the manufacturer.

3. DESCRIPTION OF THE MANIKIN

- 3.1. A three-dimensional manikin of a mass and contour corresponding to those of an adult male of average height shall be used. Such a manikin is illustrated in figures 1 and 2 of the Appendix to this Annex.
- 3.2. The manikin shall comprise:
 - 3.2.1. two components, one simulating the back and the other the seat of the body, pivoting on an axis representing the axis of rotation between the torso and the thigh. The trace of this axis on the side of the manikin is the manikin's H point;
 - 3.2.2. two components simulating the legs and pivotally attached to the component simulating the seat;
 - 3.2.3. two components simulating the feet and connected to the legs by pivotal joints simulating ankles;
 - 3.2.4. in addition, the component simulating the seat shall be provided with a level enabling its transverse orientation to be verified.
- 3.3. Body segment weights shall be attached at appropriate points corresponding to the relevant centres of gravity, so as to bring the total mass of the manikin up to about 75.6 kg. Details of the various weights are given in the table on figure 2 of the Appendix to this Annex.

4. SETTING UP THE MANIKIN

The three-dimensional manikin shall be set up in the following manner:

- 4.1. The vehicle shall be levelled and the seats adjusted as prescribed in point 2.2 above.
- 4.2. The seat to be tested shall be covered with a piece of material to facilitate correct setting up of the manikin.
- 4.3. The manikin shall be placed on the seat concerned, the pivotal axis being perpendicular to the longitudinal plane of symmetry of the vehicle.
- 4.4. The feet of the manikin shall be placed as follows:
 - 4.4.1. in the case of the front seats so that the level verifying the transverse orientation of the seat of the manikin is brought to the horizontal;
 - 4.4.2. in the case of the rear seats, the feet shall as far as possible be so arranged as to be in contact with the front seats. If the feet then rest on parts of the floor which are at different levels, the foot which first comes into contact with the front seat shall serve as a reference point and the other foot shall be so arranged that the level verifying the transverse orientation of the seat of the manikin is brought to the horizontal;
 - 4.4.3. if the H point is being determined at a centre seat, the feet shall be placed one on each side of the tunnel.
- 4.5. The weights shall be placed on the thighs, the transverse level of the seat of the manikin brought to the horizontal and the weights placed on the seat of the manikin.
- 4.6. The manikin shall be moved away from the seat back by means of the knee-pivot bar and the back tilted forwards. The manikin shall be re-positioned on the seat of the vehicle by being slid backwards on its seat until resistance is encountered, the back of the manikin then being replaced against the seat back.
- 4.7. A horizontal force of 10 ± 1 daN shall be applied twice to the manikin. The direction and point of application of the force are shown by a black arrow on figure 2 of the Appendix.
- 4.8. The weights shall be installed on the right and left sides, and subsequently on the torso. The transverse level of the manikin shall be kept horizontal.
- 4.9. The manikin being kept horizontal in the transverse direction, the back shall be tilted forwards until the torso weights are above the H point, so as to eliminate any friction with the seat back.
- 4.10. The back of the manikin shall be gently moved rearwards so as to complete the setting-up operation; the transverse level of the manikin shall be horizontal. If it is not, the above procedure shall be repeated.

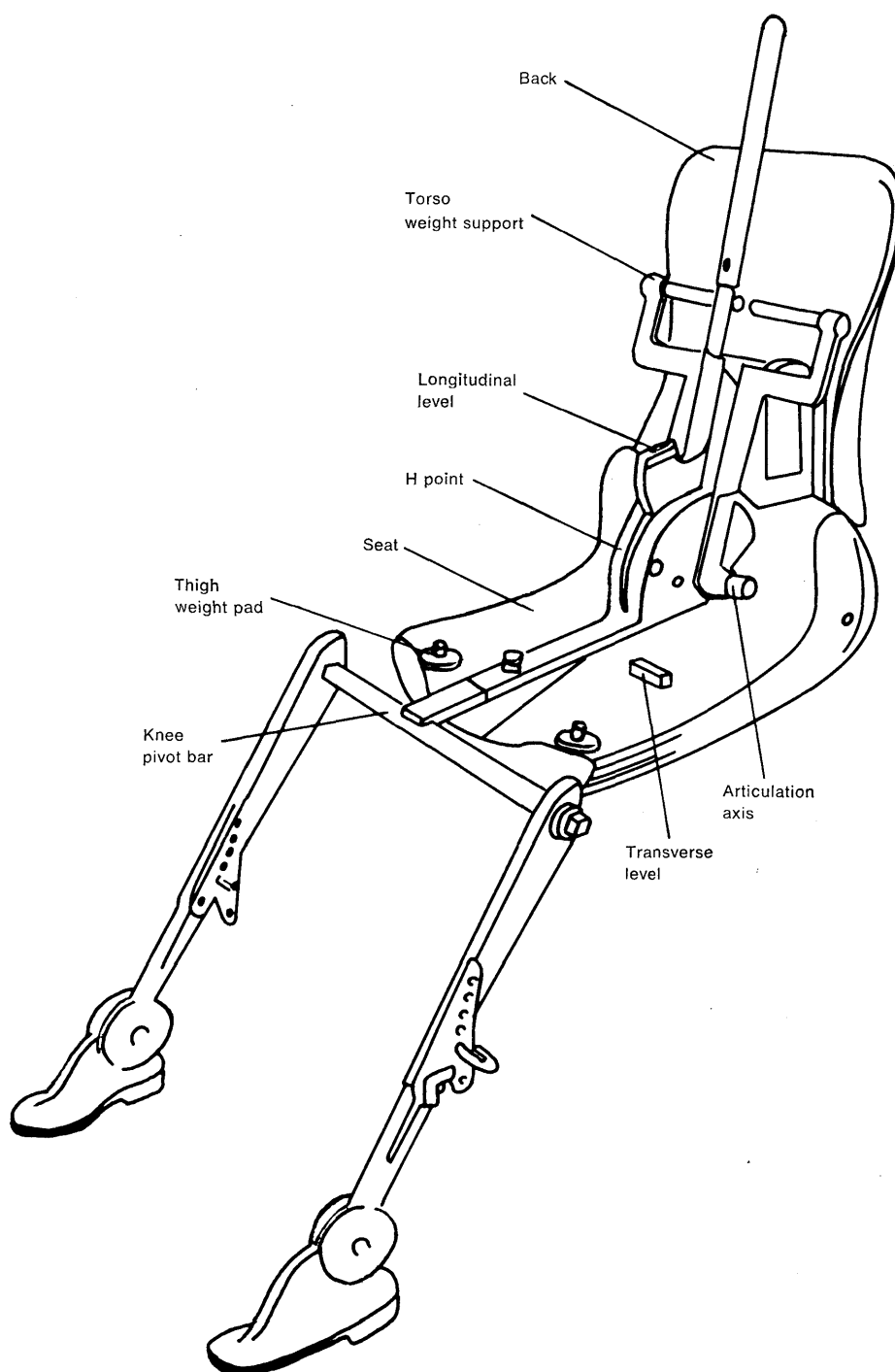
5. RESULTS

- 5.1. When the manikin has been set up as described in point 4 above, the H point of the vehicle seat concerned shall be the H point on the manikin.
- 5.2. Each of the coordinates of the H point shall be measured as accurately as possible. The same shall apply to the coordinates representing specific points of the passenger compartment. The projections of these points on a vertical longitudinal plane shall then be plotted on a graph.

6. CHECKING OF THE RELATIONSHIP BETWEEN THE R AND H POINTS

- 6.1. The results obtained under point 5.2. regarding the H point must be compared with the coordinates of the R point as supplied by the vehicle manufacturer.

-
- 6.2. The checking of the relationship between the two points shall be considered satisfactory for the seating position in question, provided the H point coordinates lie within a longitudinal rectangle whose horizontal and vertical sides are 30 mm and 20 mm respectively, and whose diagonals intersect at the R point. If this is the case the R point shall be used for the test and, if necessary, the manikin shall be so adjusted that the H point coincides with the R point.
 - 6.3. If the H point does not lie within the rectangle described in point 6.2 above, two further determinations of the H point shall be carried out (three in all). If two of the three points so determined lie within the rectangle, the result of the test shall be considered satisfactory.
 - 6.4. If at least two of the three points determined lie outside the rectangle, the result of the test shall be considered unsatisfactory.
 - 6.5. In the case of the situation described in point 6.4 above, or when verification cannot be carried out because the vehicle manufacturer has failed to provide data on the position of the R point, the average result of the three determinations of the H point may be used and considered applicable in all cases where the R point is mentioned in this Directive.
 - 6.6. When checking the relationship of the R and the H points in a vehicle in current production, the rectangle mentioned in point 6.2 above shall be replaced by a square whose side measures 50 mm.

*Appendix***Components of the three-dimensional manikin****Fig. 1**

Dimensions and mass of manikin

<i>Mass of manikin</i>	<i>kg</i>
Components simulating back and seat of body	16.6
Torso weights	31.2
Seat weights	7.8
Thigh weights	6.8
Leg weights	13.2
Total:	75.6

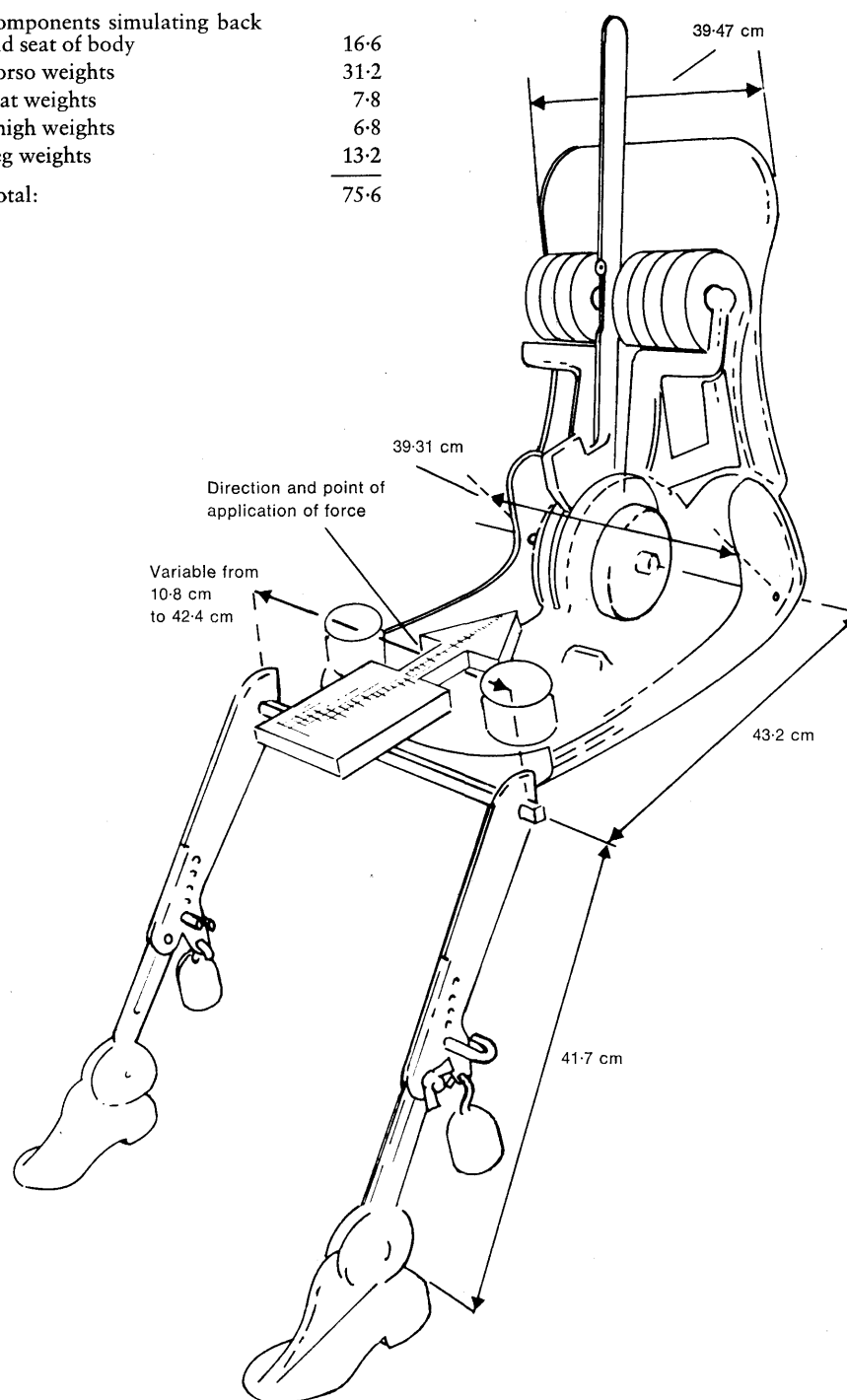


Fig. 2

ANNEX V

METHOD OF MEASURING PROJECTIONS

1. To determine the amount by which an item projects in relation to the panel on which it is mounted, a 165 mm sphere shall be moved tangentially to the panel and component under consideration.

The gradient shall be considered as being formed by the relationship between the 'y' variation measured from the centre of the sphere perpendicular to the panel and the 'x' variation of measurement from the same centre parallel to the panel.

A form shall be deemed streamlined if the resultant horizontal longitudinal gradient is less than 1. When a gradient is more than or equal to 1, there shall be a projection the value of which measured by the determinant 'y'.

If the panels and components, etc., are covered with materials softer than 50 shore A hardness, the procedure for the measuring of forms and projections described above shall apply only after removal of such materials.

2. The projection of switches, pull-knobs, etc., situated in the reference area shall be measured by using the test apparatus and procedure described below:

- 2.1. **Apparatus**

- 2.1.1. The measuring apparatus for projections shall consist of a hemispherical headform 165 mm in diameter, in which there is a sliding ram of 50 mm diameter.

- 2.1.2. Relative positions of the flat end of the ram and the edge of the headform shall be shown on a graduated scale, on which a mobile index shall register the maximum measurement achieved when the apparatus is moved away from the item tested. A minimum distance of 30 mm shall be measurable; the measuring scale shall be graduated in half-millimeters to make possible an indication of the extent of the projections in question.

- 2.1.3. *Gauging procedure:*

- 2.1.3.1. The apparatus shall be placed on a flat surface so that its axis is perpendicular to that surface. When the flat end of the ram contacts the surface, the scale shall be set at zero.

- 2.1.3.2. A 10 mm strut shall be inserted between the flat end of the ram and the retaining surface; a check shall be made to ensure that the mobile index records this measurement.

- 2.1.4. The apparatus for measuring projections is illustrated in figure 1.

- 2.2. **Test procedure**

- 2.2.1. A cavity shall be formed in the headform by pulling back the ram and the mobile index shall be placed against the ram.

- 2.2.2. The apparatus shall be applied to the projection to be measured so that the headform contacts the maximum surrounding surface area, with a force not exceeding 2 daN.

-
- 2.2.3. The ram shall be pushed forward until it makes contact with the projection to be measured and the amount of the projection shall be observed on the scale.
 - 2.2.4. The headform shall be adjusted to obtain maximum projection. The amount of the projection shall be recorded.
 - 2.2.5. If two or more controls are situated sufficiently close for the ram or the headform to contact them simultaneously, they shall be treated as follows:
 - 2.2.5.1. Multiple controls, all of which can be contained in the headform cavity, shall be regarded as forming a single projection.
 - 2.2.5.2. If other controls prevent normal testing by contacting the headform, they shall be removed and the test shall be conducted without them. They may subsequently be re-installed and tested in their turn with other controls that have been removed to facilitate the procedure.

Appendix

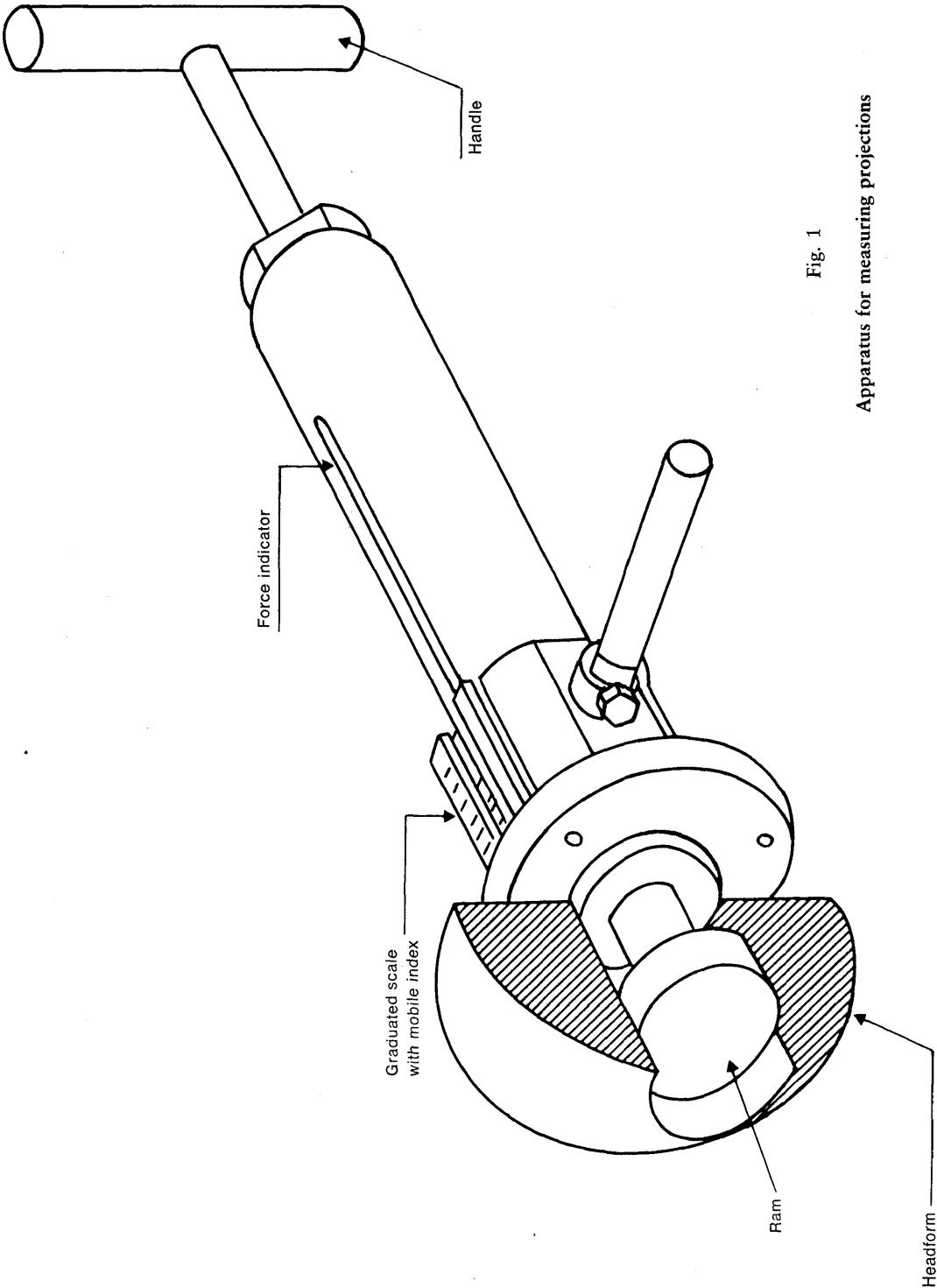


Fig. 1
Apparatus for measuring projections

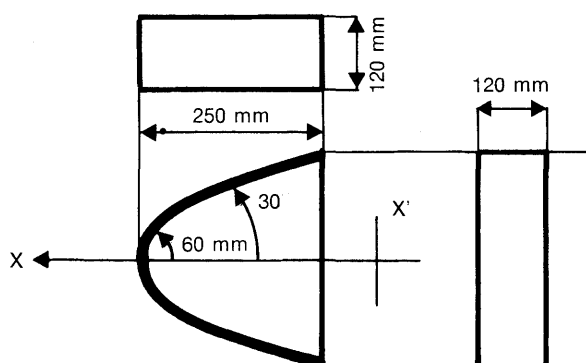
ANNEX VI

APPARATUS AND PROCEDURE FOR APPLICATION OF ITEM 5.2.1 OF ANNEX I

Those parts (switches, pull-knobs etc.) which can be contacted by using the apparatus and procedure described below shall be considered as being likely to be contacted by the knees of an occupant:

1. Apparatus

Diagram of apparatus



2. Procedure

The apparatus may be placed in any position below the instrument panel so that:

- the plane XX' remains parallel to the median longitudinal plane of the vehicle
- the axis X can be rotated above and below the horizontal through angles up to 30° .

3. In carrying out the above test, all materials of less than 50 shore A hardness shall be removed.

COUNCIL DIRECTIVE

of 17 December 1973

on the approximation of the laws of the Member States relating to devices to prevent the unauthorized use of motor vehicles

(74/61/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 devices to prevent the unauthorized use of such vehicles;

Whereas those 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 the Council Directive of 6 February 1970 ⁽³⁾ on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers to be applied in respect of each type of vehicle;

Whereas as regards the technical requirements it is advisable to follow basically those adopted by the UN Economic Commission for Europe in its Regulation No 18 ⁽⁴⁾ ('Uniform provisions concerning the approval of vehicles with regard to their protection against unauthorized use'), which is annexed to the Agreement of 20 March 1958 concerning the adoption of uniform conditions of

approval and reciprocal recognition of approval for motor vehicle equipment and parts,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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, with the exception of vehicles which run on rails, agricultural tractors and machinery and engineering plant.

Article 2

No Member State may refuse to grant EEC type approval or national type approval of a vehicle on grounds relating to the device to prevent unauthorized use if such device meets the requirements set out in Annex I.

Article 3

No Member State may refuse or prohibit the sale, registration, entry into service or use of any vehicle on grounds relating to the device to prevent unauthorized use if such device meets the requirements set out in Annex I.

Article 4

The Member State which has granted type approval shall take the necessary measures to be informed of any modification of a part or characteristic referred to in item 2.2. of Annex I. The competent authorities of that State shall determine whether fresh tests should be carried out on the modified vehicle and a fresh report drawn up. Where such tests reveal failure to comply with the requirements of this Directive, the modification shall not be approved.

⁽¹⁾ OJ No C 112, 27. 10. 1972, p. 16.

⁽²⁾ OJ No C 60, 26. 7. 1973, p. 12.

⁽³⁾ OJ No L 42, 23. 2. 1970, p. 1.

⁽⁴⁾ EEC, Geneva, E/ECE/324 — E/ECE/TRANS/505/Rev. Add. 17.

Article 5

The amendments necessary for adjusting the requirements of Annexes I and II so as to take account of technical progress shall be adopted in accordance with the procedure laid down in Article 13 of the Council Directive of 6 February 1970 on the harmonization of the laws of the Member States relating to the type-approval of motor vehicles and their trailers.

Article 6

1. Member States shall put into force the provisions needed in order to comply with this Directive within eighteen 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 7

This Directive is addressed to the Member States.

Done at Brussels, 17 December 1973.

For the Council

The President

I. NØRGAARD

ANNEX I ⁽¹⁾SCOPE, DEFINITIONS, APPLICATION FOR EEC TYPE APPROVAL,
AND SPECIFICATIONS

1. FITTING OF DEVICE

Every vehicle in Categories M₁ and N₁ (defined in Annex I of the Directive of 6 February 1970) must be equipped with a device to prevent unauthorized use. The fitting of this device on vehicles of other categories shall be optional.

2. DEFINITIONS

For the purposes of this Directive

(2.1.)

- 2.2. 'vehicle type' means, in the context of preventing its unauthorized use, a category of motor vehicles which do not differ in such essential respect as:

2.2.1. the manufacturer's description of the vehicle type;

2.2.2. the arrangement and design of the vehicle component or components on which the protective device acts;

2.2.3. the type of protective device;

- 2.3. 'protective device' means the totality of the components designed to prevent the unauthorized use of the vehicle. The protective device is constituted by combining a device preventing the engine from being started by means of the normal control with one of the following devices. The protective device may be one:

- acting on the steering,
- acting on the gear-shift control,
- acting on the transmission, or
- preventing the engine from running.

2.3.1. Devices preventing the release of the vehicle's brakes only are not considered to be 'protective devices';

(2.4.)

- 2.5. 'steering mechanism' means the steering control, the steering column and its accessory cladding, the steering shaft, the steering gear box, and all such other components as those designed to participate in absorbing energy in the event of collision with the steering-wheel.

3. APPLICATION FOR EEC TYPE APPROVAL

3.1. The application for approval of a type of vehicle with regard to the protective device to prevent its unauthorized use shall be submitted by the vehicle manufacturer or by his duly accredited representative.

3.2. It shall be accompanied by the undermentioned documents, in triplicate, and by the following particulars:

⁽¹⁾ The text of the Annex is almost identical to that of UN Economic Community for Europe Regulation No 18; in particular, the point numbers are the same; for this reason, if an item from Regulation No 18 has no equivalent in this Directive, the number is shown in brackets as a reminder.

- 3.2.1. a detailed description of the vehicle type with regard to the arrangement and design of the control or of the unit on which the protective device acts;
- 3.2.2. drawings, on an appropriate scale and in sufficient detail, of the protective device and of its mounting on the vehicle;
- 3.2.3. a technical description of the device.
- 3.3. There shall be submitted to the technical service responsible for conducting the type approval tests:
 - 3.3.1. a vehicle representative of the vehicle type to be approved, and
 - 3.3.2. at the request of the technical service, such components of the vehicle as that service deems essential for the checks prescribed in points 5 and 6.

4. EEC TYPE APPROVAL

(4.1.)

(4.2.)

- 4.3. A certificate conforming to the model shown in Annex II shall be attached to the EEC type approval certificate.

(4.4.)

(4.4.1.)

(4.4.2.)

(4.5.)

(4.6.)

5. GENERAL SPECIFICATIONS

- 5.1. The protective device shall be so designed that it is necessary to put it out of action in order to enable:
 - 5.1.1. the engine to be started by means of the normal control or
 - 5.1.2. the vehicle to be driven or shifted forward under its own power.
- 5.2. When the device is in action, those of its parts which are necessary for complying with the condition of point 5.1.2 above shall be incapable of being rendered ineffective by simple means.
- 5.3. The engine shall be started and the requirements of point 5.1 shall be satisfied only by the action of one key on a single lock; except in the case laid down in point 6.1.6, the key shall not be capable of being completely removed from the lock unless the protective device referred to in point 5.1 has come into action or been set to act.
- 5.4. The protective device referred to in point 5.1 above shall be so designed that it cannot rapidly and without attracting attention be opened, rendered ineffective or destroyed.
- 5.5. The protective device shall be mounted on the vehicle as an item of permanent equipment. It shall be fitted in such a way that even after removal of its housing it cannot, when in the locked condition, be dismantled otherwise than with special tools. If it would be possible to render the protective device ineffective by the removal of screws, the screws shall, unless they are non-removable screws, be covered by parts of the locked protective device.
- 5.6. The lock shall be securely assembled in the protective device.

- 5.7. The locks used shall comprise not less than 1 000 different combinations, that is, the key appropriate to one combination shall not be capable of opening more than an average of one lock in 1 000. In the vehicles of one type the frequency of occurrence of each combination shall be roughly one per 1 000.
- 5.8. Protective devices shall be such as to exclude any risk, while the vehicle is in motion, of accidental locking likely to compromise safety.
- 5.9. If the operation of the protective device requires the use of an energy reserve other than the energy of the driver, that energy reserve shall be used only to activate the device's locking and unlocking system. The protective device shall be kept in position by purely mechanical means.
- 5.10. The protective device may be additionally equipped with an external acoustic warning device which will be activated on any attempt to unlock the device, render it inoperative or destroy it; the signals emitted shall be brief and shall end automatically after not more than 30 seconds; they shall recommence only if the device is activated again. In addition, it shall be emitted by the normal warning device fitted on the vehicle.

(5.10.1.)

(5.10.2.)

6. PARTICULAR SPECIFICATIONS

In addition to the general specifications prescribed in point 5, if the protective device is of a type acting on the steering, on the transmission or on the gear-shift control, it shall comply with the particular conditions prescribed below for such types of device.

6.1. Protective devices acting on the steering

- 6.1.1. A protective device acting on the steering shall lock the steering.
- 6.1.2. It shall not be possible for the steering to be locked inadvertently when the key is in the lock of the protective device, even if the device preventing starting of the engine has come into action or been set to act.
- 6.1.3. It shall not be possible to switch on the ignition of a petrol-engined vehicle or to start the engine of a diesel-engined vehicle by means of the normal control, until a lock acting on the steering has been opened.
- 6.1.4. When the protective device is set to act, it shall not in any event be possible to prevent engagement of the bolt in its counterpart.
- 6.1.5. The bolt shall engage to a sufficient depth to ensure that the protective device continues to be effective even after it has undergone some degree of wear.
- 6.1.6. If the protective device is such that the key can be removed in a position other than the position in which the steering is locked, it shall be so designed that the manoeuvre required to reach that position and remove the key cannot be effected inadvertently.
- 6.1.7. The protective device shall be strong enough to withstand, without damage to the steering mechanism likely to compromise safety, the application in both directions parallel to the axis of the steering shaft, and in static conditions, of a torque of 19.6 mdaN.

6.2. Protective devices acting on the transmission

A protective device acting on the transmission shall prevent the rotation of the vehicle's driving wheels.

6.3. Protective devices acting on the gear-shift control

- 6.3.1. A protective device acting on the gear-shift control shall be capable of preventing any change of gear.
- 6.3.2. In the case of manual gear-boxes, it shall be possible to lock the gear-shift lever in the following positions only: reverse plus neutral, or reverse only.
- 6.3.3. In the case of automatic gear-boxes, locking shall be possible in the 'Parking' position only; additional locking in the 'neutral' position shall be permissible.

(7.)

(8.)

(9.)

(10.)

(11.)

ANNEX II

Name of administration

SAMPLE

COMMUNICATION CONCERNING THE TYPE-APPROVAL

(or refusal or withdrawal of type-approval of a type of power-driven vehicle with regard to its protection against unauthorized use)

Approval No

1. Trade name or mark of the power driven vehicle
2. Vehicle type
3. Manufacturer's name and address
4. If applicable, name and address of manufacturer's representative
5. Brief description of the protective device, of its mounting, and of the vehicle component or function on which it acts, apart from starting of the engine, (steering/gear-shift control/transmission/prevention of running of engine ⁽¹⁾)
6. The vehicle is additionally equipped with an audible warning device of the following type
7. Vehicle submitted for type-approval on
8. Technical service conducting type-approval tests
9. Date of report issued by that service
10. Number of report issued by that service
11. Type-approval granted/refused ⁽¹⁾
12. Place
13. Date
14. Signature
15. The following documents, bearing the type-approval number shown above, are annexed to this communication:
 - drawings, diagrams and plans of the protective device, of its mounting, and of the vehicle components on which it acts.
 - photographs of the protective device and of the other components contributing to the protection of the vehicle against unauthorized use.

⁽¹⁾ Delete as appropriate.

COUNCIL DIRECTIVE

of 17 December 1973

making a ninth amendment to the Directive on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption

(74/62/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 Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas the Council Directive of 5 November 1963 on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption ⁽¹⁾, as last amended by the Council Directive of 26 December 1972 ⁽²⁾, fixed in particular the list of preservatives authorized for the protection of foodstuffs intended for human consumption against deterioration caused by microorganisms;

Whereas the use of formic acid and of sodium salts and calcium salts proves to be necessary for the preservation of certain foodstuffs and whereas it is nevertheless not possible at the moment to adopt an exhaustive list of these foodstuffs for the entire Community;

Whereas the use of small quantities of hexamethylenetetramine in the production of 'Provolone' cheese makes it possible to prevent tympanites;

Whereas the acceptable daily intake of hexamethylenetetramine is considerably higher than the quantities which would result from this use, and whereas health protection is thus ensured;

Whereas the recent results of toxicological research show that hexamethylenetetramine could be used to a greater extent than at present provided for, and other uses which are already permitted under national legislation may therefore be maintained;

Whereas the laws of certain Member States still authorize the use of boric acid and sodium tetraborate (borax) in caviar (sturgeon eggs) and egg products and also of formaldehyde in 'Grana padano' cheese under certain conditions, and whereas such laws are based on particular circumstances and a transitional period should be provided for so that the necessary adjustments may be made;

Whereas the authorization of the use of preservatives thus provided for does not affect the right of Member States to lay down particular requirements for the labelling of foodstuffs containing the said substances,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. The following shall be substituted of Article 5:

'1. Notwithstanding Article 2 (1), and Member States may authorize the use of hexamethylenetetramine

- (a) in semi-preserved fish and fishery products whose pH is more than 4.5, provided that, when the product is marketed, the level of this substance does not exceed 50 mg/kg;
- (b) in caviar (sturgeon eggs) and other fish eggs, not smoked, provided that, when the product is marketed, the level of this substance does not exceed 1 g/kg.

2. Until 31 December 1977 and notwithstanding Article 1,

- (a) Member States may authorize the use of boric acid and sodium tetraborate (borax) in caviar (sturgeon eggs) provided that, when the product is marketed, the level of these substances, expressed as boric acid, does not exceed 4 g/kg of caviar;
- (b) Member States may maintain the provisions of their national laws relating to the use of
 - boric acid in egg products;
 - formaldehyde in "Grana padano" cheese provided that, when the product is marketed, no residue of this substance is detectable in the finished product.'

⁽¹⁾ OJ No 12, 27. 1. 1964, p. 161/64.

⁽²⁾ OJ No L 298, 31. 12. 1972, p. 48.

2. The following shall be added to Section I of the Annex:

EEC No	Name	Conditions of use
E 236	Formic acid	
E 237	Sodium formate (sodium salts of formic acid)	
E 238	Calcium formate (calcium salts of formic acid)	
E 239	Hexamethy- lenetetramine	(a) Solely in 'Provo- lone' cheese (b) When the pro- duct is marke- ted, the level of this substance, expressed as for- maldehyde, must not exceed 25 mg/kg for 'Provolone'

Article 2

The Member States shall take the measures necessary to comply with this Directive not later than 1 January 1974 and shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 17 December 1973.

For the Council

The President

I. NØRGAARD

COUNCIL DIRECTIVE

of 17 December 1973

on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs

(74/63/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 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 livestock production occupies a very important place in the agriculture of the Community; whereas satisfactory results depend to a large extent on the use of appropriate good-quality feedingstuffs;

Whereas the existence of rules concerning feedingstuffs is essential to an increase in agricultural productivity;

Whereas feedingstuffs often contain undesirable substances or products which can endanger animal health or, because of their presence in livestock products, human health;

Whereas it is impossible to exclude totally the presence of the substances and products in question; whereas it is important that their content in feedingstuffs should be reduced in order to prevent undesirable and harmful effects; whereas it is at present impossible to fix this content below the levels detectable by methods of analysis to be defined for the Community;

Whereas undesirable substances and products may be present in feedingstuffs only in accordance with the conditions laid down in this Directive and may not be used in any other way for the purposes of animal feeding;

Whereas Member States should, however, retain the power to allow, under certain conditions,

feedingstuffs having levels of undesirable substances and products higher than those provided for in the Annex;

Whereas the provisions laid down in the Member States by law, regulation or administrative action concerning the maximum permitted levels for undesirable substances and products in feedingstuffs, in so far as they exist, differ as regards their basic principles; whereas it follows that they directly affect the functioning of the common market and should therefore be harmonized;

Whereas Member States should retain the power, if animal or human health is endangered, to reduce temporarily the fixed maximum permissible levels or to fix maximum levels for other substances or products or to prohibit the presence of such substances or products in feedingstuffs;

Whereas in order that a Member State should not abuse that power, possible amendments to the Annex to this Directive based on supporting documents should be decided on by emergency Community procedure;

Whereas an appropriate Community procedure is essential to adjust the technical provisions laid down in the Annex, to developments in scientific and technical knowledge;

Whereas the regulations of third countries relating to undesirable substances and products may be different from those provided for by this Directive; whereas, therefore, Member States should be allowed to refrain from applying such provisions to feedingstuffs exported to those countries;

Whereas, in order to ensure that the requirements laid down in respect of undesirable substances and products are satisfied during marketing of feedingstuffs, Member States must make appropriate control arrangements;

Whereas, feedingstuffs satisfying these requirements should not be subject, with regard to their level of undesirable substances and products, to marketing restrictions other than those provided for in this Directive;

⁽¹⁾ OJ No C 10, 5. 2. 1972, p. 35.

⁽²⁾ OJ No C 4, 20. 1. 1972, p. 3.

Whereas, in order to facilitate implementation of the proposed measures, a procedure should be laid down to establish close cooperation between Member States and the Commission within the Standing Committee for Feedingstuffs set up by the Council Decision of 20 July 1970 ⁽¹⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive deals with the laying down of maximum permitted levels for undesirable substances and products in feedingstuffs, as listed in the Annex.
2. This Directive shall apply without prejudice to the provisions on:
 - (a) additives in feedingstuffs;
 - (b) the marketing of feedingstuffs;
 - (c) the fixing of maximum permitted levels of pesticide residues on and in products intended for animal feeding.

Article 2

For the purposes of this Directive the following definitions shall apply:

- (a) Feedingstuffs: organic or inorganic substances, used singly or in mixtures, whether or not containing additives, for oral animal feeding;
- (b) Straight feedingstuffs: various vegetable and animal products in their natural state, fresh or preserved, and their derivatives after industrial processing, as well as the various organic and inorganic substances intended as such for oral animal feeding;
- (c) Daily ration: the average total quantity of feedingstuffs, calculated on a moisture content of 12 %, required daily by an animal of a given species, age category and yield, to satisfy all its needs;
- (d) Complete feedingstuffs: mixtures of feedingstuffs which, by reason of their composition, are sufficient for a daily ration;
- (e) Complementary feedingstuffs: mixtures of feedingstuffs which have a high content of certain substances and which, by reason of their composition, are sufficient for a daily ration only if they are used in combination with other feedingstuffs.

Article 3

1. Member States shall prescribe that the substances and products listed in the Annex shall be tolerated in feedingstuffs only under the conditions therein set out.
2. Member States may allow the maximum levels provided for in the Annex in respect of feedingstuffs to be exceeded:
 - where the feedingstuffs are intended to be sent for delivery to recognized manufactures only and, after mixing, meet the provisions set out in the Annex;
 - and where any other use is shown to be excluded by any appropriate indication.

Article 4

Member States shall prescribe that in so far as there are no special provisions for complementary feedingstuffs, these may not — allowing for the dilutions prescribed for their use — contain levels of the substances and products listed in this Directive in excess of those fixed for complete feedingstuffs.

Article 5

1. Where a Member State considers that a maximum content fixed in the Annex, or that a substance or product not listed therein, presents a danger to animal or human health, that Member State may provisionally reduce this content, fix a maximum content, or forbid the presence of that substance or product in feedingstuffs, it shall advise the other Member States and the Commission without delay of the measures taken and at the same time give its reasons.
2. In accordance with the procedure laid down in Article 10, an immediate decision shall be made as to whether the Annex should be modified. So long as no decision has been made by either the Council or the Commission the Member State may maintain the measures it has implemented.

Article 6

Amendments to be made to the Annex due to developments in scientific or technical knowledge shall be adopted in accordance with the procedure laid down in Article 9.

Article 7

Member States shall ensure that feedingstuffs which conform to this Directive are not subject to any other

⁽¹⁾ OJ No L 170, 3. 8. 1970, p. 1.

marketing restrictions as regards the presence of undesirable substances and products.

Article 8

1. Member States shall take all necessary measures to ensure that feedingstuffs are officially controlled, at least by random sampling, to verify whether the conditions laid down in this Directive are satisfied.
2. Member States shall inform the other Member States and the Commission of the name of the departments appointed to carry out this control.

Article 9

1. Where the procedure laid down in this Article is to be followed, matters shall be referred without delay by the Chairman, either on his own initiative or at the request of a Member State, to the Standing Committee for Feedingstuffs, hereinafter called the 'Committee'.

2. The votes of the Member States within the Committee shall be weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its Opinion on such measures within a time limit set by the Chairman according to the urgency of the matters. Opinions shall be delivered by a majority of 41 votes.

4. The Commission shall adopt the measures and implement them forthwith where they are in accordance with the Opinion of the Committee. Where they are not in accordance with the Opinion of the Committee, or if no Opinion is delivered, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall adopt the measures by a qualified majority.

If the Council has not adopted any measures within three months of the proposal being submitted to it, the Commission shall adopt the proposed measures and implement them forthwith, except where the Council has voted by a simple majority against such measures.

Article 10

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee without delay by the Chairman, either on

his own initiative or at the request of a Member State.

2. The votes of the Member States within the Committee shall be weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its Opinion on such measures within two days. Opinions shall be delivered by a majority of 41 votes.

4. The Commission shall adopt the measures and implement them forthwith where they are in accordance with the Opinion of the Committee. Where they are not in accordance with the Opinion of the Committee, or if no Opinion is delivered, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall adopt the measures by a qualified majority.

If the Council has not adopted any measures within 15 days of the proposal being submitted to it, the Commission shall adopt the proposed measures and implement them forthwith, except where the Council has voted by a simple majority against such measures.

Article 11

Member States shall retain the right to waive the provisions of this directive as regards feedingstuffs intended to be exported to third countries.

Article 12

The Member States shall bring into force, on 1 January 1976, the laws, regulations and administrative provisions necessary to comply with this Directive and shall forthwith inform the Commission thereof.

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 17 December 1973.

For the Council

The President

I. NØRGAARD

ANNEX

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) of unadulterated matter
A. Substances (ions or elements)		
1. Arsenic	Straight feedingstuffs with the exception of:	2
	— meal made from grass, from dried lucerne and from dried clover	4
	— phosphates and feedingstuffs obtained from the processing of fish or other marine animals	10
	Complete feedingstuffs	2
2. Lead	Straight feedingstuffs with the exception of:	10
	— phosphates	30
	— yeasts	5
	Complete feedingstuffs	5
3. Fluorine	Straight feedingstuffs with the exception of:	150
	— feedingstuffs of animal origin	500
	— phosphates	2 000
	Complete feedingstuffs with the exception of:	150
	— complete feedingstuffs for cattle, sheep and goats	
	— in milk	30
	— other	50
	— complete feedingstuffs for pigs	100
	— complete feedingstuffs for poultry	350
	— complete feedingstuffs for chicks	250
	Mineral mixtures for cattle, sheep and goats	2 000 ⁽¹⁾
4. Mercury	Straight feedingstuffs with the exception of:	0.1
	— feedingstuffs produced by the processing of fish or other marine animals	0.5
	Complete feedingstuffs	0.1
5. Nitrites	Fish meal	60 (expressed as sodium nitrite)
	Complete feedingstuffs	15 (expressed as sodium nitrite)

⁽¹⁾ Member States may also prescribe a maximum fluorine content equal to 1.25 % of the phosphorus content.

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) of unadulterated matter
B. Products		
1. Aflatoxin B ₁	Straight feedingstuffs	0.05
	Complete feedingstuffs for cattle, sheep and goats (except dairy cattle, calves and lambs)	0.05
	Complete feedingstuffs for pigs and poultry (except young animals)	0.02
	Other complete feedingstuffs	0.01
	Complementary feedingstuffs for dairy cattle	0.02
2. Hydrocyanic acid	Straight feedingstuffs except:	50
	— linseed	250
	— linseed cakes	350
	— manioc products and almond cakes	100
	Complete feedingstuffs except:	50
	— complete feedingstuffs for chicks	10
3. Free Gossypol	Straight feedingstuffs with the exception of:	20
	— cotton-seed cakes	1 200
	Complete feedingstuffs with the exception of:	20
	— complete feedingstuffs for cattle, sheep and goats	500
	— poultry (except laying hens) and calves	100
	— rabbits, pigs (except piglets)	60
4. Theobromine	Complete feedingstuffs	300
5. Volatile mustard oil	Straight feedingstuffs with the exception of:	100
	— rape seed cakes	4 000 (expressed as allyl isothiocyanate)
	complete feedingstuffs with the exception of:	150 (expressed as allyl isothiocyanate)
	— complete feedingstuffs cattle, sheep and goats (except young animals)	1 000 (expressed as allyl isothiocyanate)
	— complete feedingstuffs for pigs (except piglets), and poultry	500 (expressed as allyl isothiocyanate)

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) of unadulterated matter
6. Vinylthioxazolidone (Vinyloxazolidine thione)	complete feedingstuffs for poultry with the exception of: — complete feedingstuffs for laying hens	1 000 500
7. Rye Ergot (<i>Claviceps purpurea</i>)	All feedingstuffs containing unground cereals	1 000
8. Weed seeds and unground and uncrushed fruit containing alkaloids, glucoside or other toxic substances separately or in combination including (a) <i>Lolium temulentum</i> L., (b) <i>Lolium remotum</i> Schränk, (c) <i>Datura stramonium</i> L.	All feedingstuffs	3 000 1 000 1 000 1 000
9. Seed and its processing derivatives apricot — <i>Prunus armeniaca</i> L. bitter almond — <i>Prunus amygdalus</i> Batsche var. amara (DC.) Focke Unhusked beech mast- <i>Fagus silvatica</i> L. Camelina-Camelina sativa (L.) Crantz Illipe, mowrah, bassia- <i>Madhuca</i> , indica Gmel and <i>Madhuca longifolia</i> (L.) Macbr. and other toxic varieties of illipe, mowrah and bassia Karite nuts — <i>Butyrospermum parkii</i> (G. Don) Kotschy Purghera — <i>Jatropha curcas</i> L. Croton — <i>Croton tiglium</i> L. Chinese mustard — <i>Bassica cernua</i> Forbes and Hemsl. Indian mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>intergrifolia</i> (West.) Thell Sareptian mustard — <i>Brassica juncea</i> (L.) Czern. and Cos. ssp. <i>juncea</i> Ethiopia rape — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>carinata</i> Black mustard — <i>Brassica nigra</i> (L.) W.D.J. Koch	All feedingstuffs	nil ⁽¹⁾
10. Castor oil plant- <i>Ricinus communis</i> L.	All feedingstuffs	10 (expressed in terms of castor-oil plant husks)
11. <i>Crotalaria</i> L. sp	All feedingstuffs	100

⁽¹⁾ Negligible quantities not exceeding the lowest level detectable by the method of quantitative analysis are tolerated.