

Council directive 92/23/EEC of 31 March 1992 relating to tyres for motor vehicles and their trailers and to their fitting (repealed)

Article 1

For the purposes of this Directive:

- [^{F1}‘tyre’ means any new pneumatic tyre including a winter tyre with holes for studs, in the form of original equipment or of a replacement, intended to be fitted to vehicles to which Directive 70/156/EEC applies. This definition does not cover winter tyres with studs;]
- ‘vehicle’ means any vehicle to which Council Directive 70/156/EEC applies;
- ‘manufacturer’ means the holder of the trade name or mark of vehicles or tyres.

Textual Amendments

- F1** Substituted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

[^{F2}Article 1a

- 1 The requirements set out in Annex V shall apply to tyres intended to be fitted to vehicles first used on or after 1 October 1980.
- 2 The requirements set out in Annex V shall not apply to:
 - a tyres whose speed rating is less than 80 km/h;
 - b tyres whose nominal rim diameter does not exceed 254 mm (or code 10) or is 635 mm or more (code 25);
 - c T type temporary use spare tyres as defined in 2.3.6 of Annex II;
 - d tyres designed only to be fitted to vehicles registered for the first time before 1 October 1980.]

Textual Amendments

- F2** Inserted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

[^{F1}Article 2

- 1 Member States shall grant EC type-approval, under the conditions laid down in Annex I, to all types of tyres meeting the requirements of Annex II, and shall allocate to these an approval number as specified in Annex I.
- 2 Member States shall grant EC type-approval, under the conditions laid down in Annex I, to all types of tyres meeting the requirements of Annex V and shall allocate to these an approval number as specified in Annex I.
- 3 Member States shall grant EC type-approval to all vehicles in respect of their tyres under the conditions laid down in Annex III, where those tyres (including spare tyres, where appropriate) meet the requirements of Annex II and the requirements concerning vehicles laid

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down in Annex IV, and shall allocate to any such vehicle an approval number as specified in Annex III]

Textual Amendments

- F1** Substituted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

Article 3

The approval authority of a Member State shall, within one month of issuing or refusing an [F1]EC type-approval (tyre) or vehicle EC type-approval, send a copy of the relevant certificate, models of which are given in the Appendices to Annex I and Annex III, to the other Member States and, if requested, send the test report on any type of tyre approved.

Textual Amendments

- F1** Substituted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

Article 4

No Member State may prohibit or restrict the placing on the market of tyres bearing the EC type-approval mark.

Textual Amendments

- F1** Substituted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

Article 5

No Member State may refuse to grant EC type-approval or national type-approval to a vehicle on grounds relating to its tyres if these bear the EC type-approval mark and are fitted in accordance with the requirements laid down in Annex IV.

Textual Amendments

- F1** Substituted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

Article 6

No Member State may refuse or prohibit the sale, registration, entry into service or use of a vehicle on grounds relating to its tyres if these bear the EC type-approval mark and are fitted in accordance with the requirements laid down in Annex IV.

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Textual Amendments

- F1** Substituted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

Article 7

1 If, on the basis of a substantiated justification, a Member State considers that a tyre type or a vehicle type is dangerous although complying with the requirements of this Directive, it may, within its territory, provisionally prohibit the marketing of that product or subject it to special conditions. It shall immediately inform the other Member States and the Commission thereof, stating the grounds for its decision.

2 The Commission shall, within six weeks, consult the Member States concerned, following which it shall deliver its opinion without delay and take the appropriate steps.

3 If the Commission is of the opinion that technical adaptations to the Directives are necessary, such adaptations shall be adopted by either the Commission or the Council in accordance with the procedure laid down in Article 10. In this event, the Member State which has adopted safeguard measures may maintain them until the entry into force of the adaptations.

Article 8

1 The Member State which has granted the EC type-approval (tyre) or vehicle type-approval 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 approval authorities in the other Member States. For this purpose, this Member State may at any time check the conformity of the tyres or vehicles to the requirements of this Directive. Such verification shall be limited to spot checks.

2 If this Member State finds that a number of tyres or vehicles with the same approval marking do not conform to the approved type, it shall take the necessary measures to ensure that production models so conform. Where there is a consistent failure to conform, these measures may extend to a withdrawal of EC type-approval. The said authorities shall take the same measure if they are informed by the approval authorities of another Member State of such failure to conform.

3 The approval authorities of the Member States shall within one month notify each other using the relevant form shown in the Appendices to Annex I and Annex III of any withdrawal of EC type-approval and of the reasons for such a measure.

Textual Amendments

- F1** Substituted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

Article 9

Any decision taken pursuant to the provisions adopted in implementation of this Directive to refuse or withdraw EC type-approval for a tyre or EC type-approval] of a vehicle with regard to the fitting of its tyres implying a prohibition of marketing or of use shall set out in detail the reasons on which it is based. Every such decision shall be

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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.

Textual Amendments

- F1** Substituted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

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.

[^{F2}Article 10a

- 1 As from 4 February 2003, Member States may not:
- a refuse to grant EC type-approval or national approval for a type of vehicle or type of tyre, or
 - b prohibit the registration, sale or entry into service of vehicles, and the sale or entry into service or use of tyres,

for reasons relating to the tyres and their fitting to new vehicles, if the vehicles or tyres comply with the requirements laid down in this Directive, as amended by Directive 2001/43/EC⁽¹⁾.

- 2 As from 4 August 2003, Member States may no longer grant EC type-approval, and shall refuse to grant national type-approval for those types of tyre which fall within the scope of this Directive and which do not meet the requirements of this Directive, as amended by Directive 2001/43/EC.

- 3 As from 4 February 2004, Member States may no longer grant EC type-approval or national approval for a type of vehicle, for reasons relating to its tyres or their fitting, if the requirements of this Directive, as amended by Directive 2001/43/EC, are not met.

- 4 As from 4 February 2005, Member States shall:
- a consider certificates of conformity accompanying new vehicles in accordance with the provisions of Directive 70/156/EEC as being no longer valid for the purposes of Article 7(1) of the said Directive, if the requirements of this Directive, as amended by Directive 2001/43/EC, are not met, and
 - b refuse the registration or prohibit the sale or entry into service of new vehicles which do not meet the requirements of this Directive, as amended by Directive 2001/43/EC.

- 5 As from 1 October 2009, the provisions of this Directive, as amended by Directive 2001/43/EC, shall apply for the purposes of Article 7(2) of Directive 70/156/EC, to all tyres which fall within the scope of this Directive, with the exception of tyres of classes C1d and C1e, to which they shall apply as from 1 October 2010 and 1 October 2011 respectively.]

Textual Amendments

- F2** Inserted by [Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.](#)

Article 11

1 Member States shall adopt and publish the provisions necessary to comply with this Directive before 1 July 1992 and shall forthwith inform the Commission thereof.

When the Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

They shall apply these measures from 1 January 1993.

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

Article 12

This Directive is addressed to the Member States.

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- (1) [^{F2}Directive 2001/43/EC of the European Parliament and of the Council of 17 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting (OJ L 211, 4.8.2001, p. 25).]

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Textual Amendments

- F2** Inserted by Directive 2001/43/EC of the European Parliament and of the Council of 27 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting.