



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.05.1999
COM(1999) 217 final

98/0071 (COD)

Amended proposal for a

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

amending Council Directive 70/221/EEC on the approximation of the laws of the Member States relating to liquid-fuel tanks and rear underrun protection of motor vehicles and their trailers

(presented by the Commission pursuant to Article 250 (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

In the light of the European Parliament's opinion¹ of the 9 February 1999 on the proposal for a European Parliament and Council directive on liquid-fuel tanks of motor vehicles² and in accordance with Article 250(2) of the EC Treaty, the Commission has decided to amend that proposal.

The objective of the initial proposal is to introduce new provisions for fuel tanks made of plastic materials for passenger cars and to extend the title and scope of Directive 70/221/EEC to tanks for fuels other than liquid fuels, i.e. gaseous fuels. Gaseous fuels are of increasing interest for the propulsion of motor vehicles, in particular, for environmental reasons.

In order to take account of technical progress in the construction of fuel tanks for passenger cars which has occurred since the relevant provisions of Directive 70/221/EEC have been adopted, it is advisable to align this Directive to the technical requirements adopted by the United Nations Economic Commission for Europe in its Regulation No 34 relating to the approval of vehicles with regard to the prevention of fire risk, in particular, to the provisions for fuel tanks, made of a plastic material, for vehicles of category M₁.

Amendments 5 and 6 in the rapporteur's report were rejected by the European Parliament.

The Commission has accepted in principle the following amendments:

- the changes in the timetable in order to bring the implementation of the measures in line with the circumstances and to make the proposed Directive more compatible with existing legislation. However the target dates here mentioned are no longer valid and should be re-established after the opinion of the Member States (amendment 3);
- the reference to definition of "unladen mass" as correctly defined in item 2.6 of Annex I to Directive 70/156/EEC. This means that any change to the definition in the master document will apply to the present proposal as well (amendment 4).

The Commission has rejected the amendments aimed at:

- introducing requirements related to avoid fuel spillage, which may be a serious hazard to cyclists and motor cyclists. The Commission fully agrees that this is a serious problem from both safety and environmental points of view but the wording and the specific technical requirements are not acceptable. The tests and procedures need to be very clearly defined. Moreover the Commission is of the opinion that the problem of diesel spillage might be better dealt with in the future Commission Proposal for a European Parliament and Council Directive on OBD

¹ Doc PE A4-495/98

² COM(1998) 97 final

(On board diagnostics), as foreseen in the “auto/oil” Directive 98/69/EC (amendments 1 and 7);

- changing the comitology arrangements, which is a general, horizontal issue. In the automotive sector the regulatory legislation is based on the framework Directive 70/156/EEC on type approval of motor vehicles and their trailers. The corresponding provisions of a specific directive like the proposed one cannot deviate from those of the framework directive (amendment 2);
- excluding the accessories of the tank from mechanical strength testing. The proposed amendment is less severe than the Commission proposal - it is of great importance that not only the tank, but also its accessories are leakproof. (amendment 8).

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(Text with EEA relevance)

Initial text

Amended text

Article 2 (1), (2), and (3)

1. With effect from 1 October 1998, Member States must accept compliance with the requirements of Directive 70/221/EEC, as amended by this Directive, for the purposes of Article 4 (1) and 7 (1) of Directive 70/156/EEC.

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2. With effect from 1 October 1999, Member States:

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-shall no longer grant EC type-approval in accordance with Article 4 (1) of Directive 70/156/EEC, and

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-may refuse national type-approval,

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for a new type of vehicle on grounds related to its liquid fuel tanks if it fails to comply with the provisions of Directive 70/221/EEC, as amended by this Directive.

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3. With effect from 1 October 2000, Member States:

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-shall consider certificates of conformity which accompany new vehicles in

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accordance with the provisions of Directive 70/156/EEC as no longer valid for the purposes of Article 7 (1) of that Directive; and

-may refuse the registration, sale or entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 70/156/EEC, except where the provisions of Article 8 (2) of Directive 70/156/EEC are invoked,

on grounds relating to the liquid fuel tanks, if the requirements of Directive 70/221/EEC, as amended by this Directive, are not fulfilled.

4. This Directive will not invalidate any approval previously granted to vehicles having metal liquid fuel tanks nor prevent extensions of such approvals under the terms of the Directive under which they were originally granted.

accordance with the provisions of Directive 70/156/EEC as no longer valid for the purposes of Article 7 (1) of that Directive; and

-may refuse the registration, sale or entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 70/156/EEC, except where the provisions of Article 8 (2) of Directive 70/156/EEC are invoked,

on grounds relating to the liquid fuel tanks, if the requirements of Directive 70/221/EEC, as amended by this Directive, are not fulfilled.

4. This Directive will not invalidate any approval previously granted to vehicles having metal liquid fuel tanks nor prevent extensions of such approvals under the terms of the Directive under which they were originally granted.

Annex 1, item 2.3

2.3 “Unladen mass” means the mass of the vehicle with bodywork, and with coupling device in the case of a towing vehicle of a category other than M₁ in running order, or the mass of the chassis with cab if the manufacturer does not fit the bodywork and/or coupling device (including coolant, oils, fuel, 100% other liquids except used waters, tools, spare wheel and driver, and for buses and coaches, the mass of the crew member (75 kg) if there is a crew seat in the vehicle).

2.3 “Unladen mass” means the mass of the vehicle in running order as defined in item 2.6 of Annex I to Directive 70/156/EEC.