



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.04.1998
COM(1998) 234 final

**PROPOSAL FOR A COUNCIL DECISION
CONCERNING A REQUEST FOR EXEMPTION
SUBMITTED BY LUXEMBOURG
PURSUANT TO ARTICLE 8(2)(c) OF COUNCIL DIRECTIVE 70/156/EEC
ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES
RELATING TO THE TYPE-APPROVAL OF MOTOR VEHICLES
AND THEIR TRAILERS**

(presented by the Commission)

EXPLANATORY MEMORANDUM

This proposal for a Decision is being submitted as a result of the outcome of the vote, on 5 February 1998, in the Committee set up by Article 13(1) of Council Directive 70/156/EEC relating to the type-approval of motor vehicles and their trailers, on a draft Commission Decision concerning a request submitted by Luxembourg pursuant to Article 8(2)(c) of that Council Directive. The request for exemption concerns the fuelling with compressed natural gas of a class M1 type of vehicle.

Although the reasons given in the request were regarded by the Commission as being well founded, especially as they were similar to those given by a Member State which had resulted in an exemption being granted for a similar fuelling system for another class M1 type vehicle (OJ L 199 of 26.07.1997, p. 53), the outcome of the vote in the Committee was such that no opinion was delivered (49 votes in favour, 16 against, 19 abstentions, Ireland being absent and Germany being represented by France).

Consequently, the Commission is submitting this proposal for a Decision to the Council, in accordance with Article 13(3) of Directive 70/156/EEC.

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(Only the French text is authentic)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers,¹ as last amended by European Parliament and Council Directive 97/27/EC,² and in particular Article 8(2)(c) and Article 13(3) thereof;

Whereas the request submitted by Luxembourg on 6 November 1997, which reached the Commission on 10 November 1997, contained the information required by Article 8(2)(c); whereas the request concerns the fuelling with compressed natural gas of a class M1 type of vehicle;

Whereas the reasons given in the request, according to which such fuelling systems do not meet the requirements of the Directives concerned, in particular Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles,³ as last amended by Commission Directive 96/44/EC of 1 July 1996,⁴ and Council Directive 80/1268/EEC of 16 December 1980 on the approximation of the laws of the Member States relating to the fuel consumption of motor vehicles,⁵ as last amended by Commission Directive 93/116/EC of 17 December 1993⁶ are well founded; whereas, however, the tests performed in accordance with the abovementioned Directives were conducted using both petrol and natural gas as fuel; whereas the relevant limit values were respected with both types of fuel, while recorded emissions of pollutants were lower with natural gas; whereas equivalent environmental protection is thus ensured;

¹ OJ L 42, 23.2.1970, p. 1.

² OJ L 233, 25.8.1997, p. 1.

³ OJ L 76, 6.4.1970, p. 1.

⁴ OJ L 210, 20.8.1996, p. 25.

⁵ OJ L 375, 31.12.1980, p. 36.

⁶ OJ L 329, 30.12.1993, p. 39.

Whereas, in order to assure themselves of the safety of vehicles in service, Member States may periodically carry out leaktightness tests at a pressure of at least the service pressure;

Whereas the Community Directives concerned will be amended in order to permit the production of vehicles powered by compressed natural gas;

Whereas the measure provided for by this Decision was submitted to the Committee on Adaptation to Technical Progress set up by Directive 70/156/EEC for its opinion on 5 February 1998, and the outcome of the vote was such that no opinion was delivered,

HAS ADOPTED THIS DECISION:

Article 1

The request submitted by Luxembourg for an exemption concerning the production and placing on the market of a class M1 type of vehicle powered by compressed natural gas is hereby approved.

Article 2

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels,

For the Council

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