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►**B** **DIRECTIVE 2000/8/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

of 20 March 2000

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

(OJ L 106, 3.5.2000, p. 7)

Corrected by:

►**C1** Corrigendum, OJ L 64, 6.3.2001, p. 39 (2000/8)

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DIRECTIVE 2000/8/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 March 2000

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the Economic and Social Committee [2],

Acting in accordance with the procedure laid down in Article 251 of the Treaty [3],

Whereas:

(1) Council Directive 70/221/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to liquid fuel tanks and rear underrun protection for motor vehicles and their trailers [4], is one of the separate directives within the EC type-approval procedure which was established by Council Directive 70/156/EEC of 6 February 1990 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers [5]; consequently, the provisions and definitions laid down in Directive 70/156/EEC concerning vehicles, vehicles systems, components and separate technical units apply to Directive 70/221/EEC; it is necessary to adapt Article 1 of Directive 70/221/EEC to the definitions of Directive 70/156/EEC.

(2) In order to take account of technical progress, it is advisable to adapt Directive 70/221/EEC 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 of fuel tanks made of plastic material.

(3) The accidental spillage of fuel (especially diesel) on to the road is a significant hazard for riders of two-wheeled motor vehicles and pedal cycles.

(4) There is increasing interest in gaseous fuels for the propulsion of motor vehicles, in particular for environmental reasons; whereas therefore, in future, Directive 70/221/EEC should also contain provisions for tanks for fuels other than liquid fuels; for this purpose the title and the scope of Directive 70/221/EEC should be amended accordingly; technical specifications for tanks for gaseous fuels will be introduced through later amendments of the said Directive.

(5) Furthermore, it is more and more common for original fuel tanks to be replaced by larger fuel tanks or for additional, unapproved fuel tanks to be installed; provision should consequently be made at the earliest opportunity for Community type-approval of liquid and gas fuel tanks as separate technical units, in order to maintain a high level of safety in motor-vehicle traffic.

(6) Amendments to the provisions relating to fuel tanks have to be adopted by the European Parliament and the Council; whereas it is expedient that, in the future, amendments necessary for adjusting the technical

(1) OJ C 164, 29.5.1998, p. 16.
(2) OJ C 407, 28.12.1998, p. 58.
(3) Opinion of the European Parliament of 10 February 1999 (OJ C 150, 28.5.1999, p. 168), Council common position of 12 July 1999 (OJ C 249, 1.9.1999, p. 25), decision of the European Parliament of 27 October 1999 (not yet published in the Official Journal).
(4) OJ L 76, 6.4.1970, p. 23. Directive as last amended by Commission Directive 97/19/EC (OJ L 125, 16.5.1997, p. 1).
(5) OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 98/91/EC of the European Parliament and of the Council (OJ L 11, 16.1.1999, p. 25).

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requirements of Directive 70/221/EEC relating to fuel tanks to technical progress should be adopted in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC.

(7) The amendments made by this Directive relate in particular to fuel tanks made of a plastic material; it is unnecessary therefore to invalidate existing approvals ►C1 granted under Directive 70/221/EEC ◄ and to prevent the sale, registration and entry into service of new vehicles having metal liquid fuel tanks covered by such approvals.

(8) Given the scale and impact of the action proposed in the sector in question, the Community measures which are the subject of this Directive are necessary, or even indispensable, to attain the objective set, namely Community vehicle type-approval; this objective cannot be adequately achieved by the Member States individually,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 70/221/EEC is hereby amended as follows:

1. The title shall be replaced by the following:

'Council Directive of 20 March 1970 on the approximation of the laws of the Member States relating to fuel tanks and rear underrun protection of motor vehicles and their trailers'.

2. Article 1 shall be replaced by the following:

'*Article 1*

For the purpose of this Directive, "vehicle" means any motor vehicle and its trailers as defined in Annex II Section A to Directive 70/156/EEC.'

3. Article 2(1) shall be replaced by the following:

'1. No Member State may refuse to grant EC type-approval or national type-approval for a vehicle on grounds relating to its fuel tanks if such vehicle satisfies the requirements set out in this Directive concerning fuel tanks.'

4. Article 2a(1) shall be replaced by the following:

'1. No Member State may refuse or prohibit the sale, registration, entry into service or use of a vehicle on grounds relating to its fuel tanks if such a vehicle satisfies the requirements set out in this Directive concerning fuel tanks.'

5. Article 3 shall be replaced by the following:

'*Article 3*

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.'

6. The list of Annexes and Annex I to Directive 70/221/EEC are hereby amended in accordance with the Annex to this Directive.

Article 2

1. With effect from 3 May 2001, Member States shall accept compliance with the requirements of Directive 70/221/EEC, as amended by this Directive, for the purposes of Articles 4(1) and 7(1) of Directive 70/156/EEC.

2. With effect from 3 May 2002, Member States:

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

— may refuse national type-approval,

for a new type of vehicle on grounds related to its 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 3 May 2003, Member States

— shall consider certificates of conformity which accompany new vehicles in 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 sale, registration or entry into service of new vehicles which are not accompanied by a certificate of conformity valid in accordance with Directive 70/156/EEC, except where the provisions of Article 8(2) of that Directive are invoked,

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

4. This Directive shall 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.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 3 May 2001 and shall forthwith inform the Commission thereof.

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

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

Article 4

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

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ANNEX

AMENDMENTS TO THE LIST OF ANNEXES AND TO ANNEX I TO DIRECTIVE 70/221/EEC

List of Annexes

The indication regarding Annex I shall be replaced by the following:

‘Annex I: Tanks for liquid fuel

Appendix 1: Test of resistance to fire

Appendix 2: Dimensions and technical data of firebricks

Appendix 3: Information document

Appendix 4: EC type-approval certificate’

Annex I

Annex I shall be replaced by the following:

‘*ANNEX I*

TANKS FOR LIQUID FUEL

1. SCOPE

1.1. This Annex applies to vehicles to which Directive 70/156/EEC applies.

2. DEFINITIONS

For the purpose of this Annex:

2.1. “Vehicle type with regard to fuel tanks”, means vehicles which do not differ essentially in such respects as:

2.1.1. The structure, shape, dimensions and materials (metal/plastic) of the tank(s);

2.1.2. In vehicles of category M_1 [1] the position of the tank(s) in the vehicle in so far as it has a negative effect on the requirements of Section 5.10 of this Annex.

2.2. “Occupant compartment”, means the space for occupant accommodation bounded by the roof, floor, side walls, doors, outside glazing, front bulkhead and rear bulkhead.

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

2.4. “Tank”, means the tank(s) designed to contain the liquid fuel, as defined in Section 2.6, used primarily for the propulsion of the vehicle excluding its accessories (filler pipe (if it is a separate element), filler hole, cap, gauge, connections to the engine or to compensate interior excess pressure, etc).

2.5. “Capacity of the tank”, means the tank capacity as specified by the manufacturer.

2.6. “Liquid fuel”, means a fuel which is liquid in normal ambient conditions.

3. APPLICATION FOR EC TYPE-APPROVAL

3.1. The application for type-approval of a type of vehicle with regard to its fuel tanks pursuant to Article 3(4) of Directive 70/156/EEC shall be submitted by the vehicle manufacturer.

3.2. A model for the information document is given in Appendix 3.

3.3. The following must 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 or the parts of the vehicle which the technical service deems necessary for approval tests;

3.3.2. In the case of a vehicle equipped with a tank made of a plastic material: seven additional tanks, with their accessories;

[1] As defined in Annex II, Part A to Directive 70/156/EEC.