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(Acts whose publication is obligatory)

COMMISSION DIRECTIVE 97/19/EC

of 18 April 1997

adapting to technical progress 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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 of motor vehicles and their trailers [1], as last amended by Commission Directive 81/333/EEC [2], and in particular Article 3 thereof,

Whereas Directive 70/221/EEC is one of the separate directives in the EC type-approval procedure established by 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 [3], as last amended by Directive 96/79/EC of the European Parliament and of the Council [4]; whereas, consequently, the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to Directive 70/221/EEC;

Whereas, in particular, pursuant to Articles 3 (4) and 4 (3) of Directive 70/156/EEC it is necessary that each separate directive has attached to it an information document incorporating the relevant items of Annex I to Directive 70/156/EEC and also a type-approval certificate based on Annex VI to Directive 70/156/EEC in order that type-approval may be computerized;

Whereas these amendments relate only to the administrative provisions contained in Directive 70/221/EEC; whereas it is not necessary therefore to invalidate existing approvals pursuant to Directive 70/221/EEC nor to prevent the registration, sale and entry into service of new vehicles covered by such approvals;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for Adaptation to Technical Progress established by Directive 70/156/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. Article 1 is replaced by the following:

   '*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 kilometres per hour, and its trailers, with the exception of vehicles which run on rails and of agricultural and forestry tractors and all mobile machinery.';

2. Article 2 is amended as follows:

   (a) in paragraph 2:

   'within the meaning of Article 9a of Directive 70/156/EEC and installed in accordance with the requirements of item II.5 of the Annex.'

   is replaced by:

   'within the meaning of Article 2 of Directive 70/156/EEC and installed in accordance with the requirements set out in item 5 of Annex II.';

[1] OJ No L 76, 6. 4. 1970, p. 23.
[2] OJ No L 131, 18. 5. 1981, p. 4.
[3] OJ No L 42, 23. 2. 1970, p. 1.
[4] OJ No L 18, 21. 1. 1997, p. 7.

(b) in paragraph 3:

'within the meaning of Article 9a of Directive 70/156/EEC, satisfies the relevant requirements set out in the Annex.'

is replaced by:

'within the meaning of Article 2 of Directive 70/156/EEC, satisfies the relevant requirements set out in Annex II';

3. Article 2a is amended as follows:

(a) in paragraph 2:

'within the meaning of Article 9a of Directive 70/156/EEC and installed in accordance with the requirements set out in item II.5 of the Annex.'

is replaced by:

'within the meaning of Article 2 of Directive 70/156/EEC and installed in accordance with the requirements set out in item 5 of Annex II';

(b) in paragraph 3, 'Article 9a' is replaced by 'Article 2';

4. in Article 2b, 'items II.2.1 and II.2.2 of the Annex' is replaced by 'items 2.1 and 2.2 of Annex II';

5. in Article 3, 'item I' is replaced by 'Annex I';

6. the Annex is replaced by the Annex to this Directive.

Article 2

With effect from 1 October 1997, Member States

— shall no longer grant EC type-approval pursuant to Article 4 (1) and, if applicable, Article 4 (4) of Directive 70/156/EEC, and

— may refuse national type-approval, for a new type of vehicle on grounds relating to liquid fuel tanks and rear underrun protection or, for a new type of a rear underrun protective device as a separate technical unit, if it fails to comply with the provisions of Directive 70/221/EEC, as amended by this Directive.

This Directive shall not invalidate any approval previously granted pursuant to Directive 70/221/EEC 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 by 30 September 1997. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

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 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 State.

Done at Brussels, 18 April 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

LIST OF ANNEXES

Annex I: Tanks for liquid fuel

Appendix 1: Information document

Appendix 2: EC type-approval certificate

Annex II: Rear underrun protection

Appendix 1: Information document (vehicle)

Appendix 2: Information document (separate technical unit)

Appendix 3: EC type-approval certificate (vehicle)

Appendix 4: EC type-approval certificate (separate technical unit)

Appendix 5: EC type-approval mark

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 Directive:

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 of the tank(s);

2.1.2. the position of the tank(s) in the vehicle (right and/or left, front, rear, centre.

2.2. 'Tank' means the tank(s) designed to contain the liquid fuel, as defined in 2.3, used primarily for the propulsion of the vehicle excluding its acessories (filler pipe (if it is a separate element), filler hole, cap, gauge, connections to the engine or to compensate interior excess pressure, etc.).

2.3. '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 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 1.

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.

4. GRANTING OF EC TYPE-APPROVAL

4.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 4 (3) and, if applicable, Article 4 (4) of Directive 70/156/EEC shall be granted.

4.2. A model for the EC type-approval certificate is given in Appendix 2.

4.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of vehicle approved. The same Member State shall not assign the same number to another type of vehicle.

5. SPECIFICATIONS

5.1. Fuel tanks must be made so as to be corrosion resistant. They must satisfy the leakage tests carried out by the manufacturer at a pressure equal to double the working pressure but in any event not less than 1,3 bars. Any excess pressure or any pressure exceeding the working pressure must be automatically compensated by suitable devices (vents, safety valves, etc.). The vents must be designed in such a way as to prevent any fire risks. The fuel must not escape through the fuel tank cap or through the devices provided to compensate excess pressure, even if the tank is completely overturned: a drip shall be tolerated.

5.2. Fuel tanks must be installed in such a way as to be protected from the consequences of an impact to the front or to the rear of the vehicle; there shall be no protruding parts, sharp edges, etc., near the tanks.

6. MODIFICATIONS OF THE TYPE AND AMENDMENTS TO APPROVALS

6.1. In the case of modifications of the type approved pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.

7. CONFORMITY OF PRODUCTION

7.1. As a general rule, measures to ensure the conformity of production shall be taken in accordance with the provisions laid down in Article 10 of Directive 70/156/EEC.