II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 July 1997

concerning a request for exemption submitted by Germany 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

(Only the German text is authentic)

(97/465/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 96/79/EC [2], and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by Germany on 5 June 1996 and consolidated by letter of 25 September 1996, which reached the Commission on 2 October 1996, contained the information required by Article 8 (2) (c); whereas the request concerns the fuelling with compressed natural gas of a class M_1 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 96/69/EC [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 1993 [6] 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;

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 is in accordance with the opinion of the Committee on Adaptation to Technical Progress set up by Directive 70/156/EEC,

[1] OJ No L 42, 23. 2. 1970, p. 1.
[2] OJ No L 18, 21. 1. 1997, p. 7.
[3] OJ No L 76, 6. 4. 1970, p. 1.
[4] OJ No L 282, 1. 11. 1996, p. 64.
[5] OJ No L 375, 31. 12. 1980, p. 36.
[6] OJ No L 329, 30. 12. 1993, p. 39.

HAS ADOPTED THIS DECISION:

Article 1

The request submitted by Germany for an exemption concerning the production and placing on the market of a class M_1 type of vehicle powered by compressed natural gas is hereby approved.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 1 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission