# COMMISSION DECISION

## of 3 December 1997

## concerning a request for exemption submitted by Italy 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 Italian text is authentic)**

(97/849/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 97/27/EC [2], and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by Italy on 21 May 1997, which reached the Commission on 27 May 1997, 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 Directive 96/69/EC of the European Parliament and of the Council [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 leak-tightness 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,

HAS ADOPTED THIS DECISION:

*Article 1*

The request submitted by Italy 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 Italian Republic.

Done at Brussels, 3 December 1997.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

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[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 282, 1. 11. 1996, p. 64.
[5] OJ L 375, 31. 12. 1980, p. 36.
[6] OJ L 329, 30. 12. 1993, p. 39.