II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 June 1998

concerning a request for exemption submitted by the Grand Duchy of Luxembourg pursuant to Article 8(2)(c) of 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

(98/468/EC)

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], and in particular Article 8(2)(c) and Article 13(3) thereof,

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

Whereas the reasons given in the said request are well founded; whereas, according to them, 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 [2] 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 [3]; 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 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 on 5 February 1998 to the Committee on Adaptation to Technical Progress set up by Article 12 of Directive 70/156/EEC for its opinion; whereas the outcome of the vote was such that no opinion was delivered,

[1] OJ L 42, 23. 2. 1970, p. 1. Directive as last amended by Commission Directive 98/14/EC (OJ L 91, 25. 3. 1998, p. 1).

[2] OJ L 76, 6. 4. 1970, p. 1. Directive as last amended by European Parliament and Council Directive 96/69/EC of 1 July 1996 (OJ L 282, 1. 11. 1996, p. 64).

[3] OJ L 375, 31. 12. 1980, p. 36. Directive as last amended by Commission Directive 93/116/EC of 17 December 1993 (OJ L 329, 30. 12. 1993, p. 39).

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 Luxembourg, 29 June 1998.

For the Council
The President
R. COOK