This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

►**B**

COUNCIL DIRECTIVE

of 19 July 1968

on the standardisation of provisions regarding the duty-free admission of fuel contained in the fuel tanks of commercial motor vehicles

(68/297/EEC)

(OJ L 175, 23.7.1968, p. 15)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Directive 83/127/EEC of 28 March 1983	L 91	28	9.4.1983
►**M2**	Council Directive 85/347/EEC of 8 July 1985	L 183	22	16.7.1985

Amended by:

►**A1**	Act of Accession of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland	L 73	14	27.3.1972

▼B

COUNCIL DIRECTIVE

of 19 July 1968

on the standardisation of provisions regarding the duty-free admission of fuel contained in the fuel tanks of commercial motor vehicles

(68/297/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 75 and 99 thereof;

Having regard to the Council Decision [1] of 13 May 1965 on the harmonisation of certain provisions affecting competition in transport by rail, road and inland waterway, and in particular Article 1 (b) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament [2];

Having regard to the Opinion of the Economic and Social Committee [3];

Whereas the adoption of a common transport policy calls for the establishment of common rules for international transport to or from the territory of a Member State, or passing across the territory of one or more Member States;

Whereas the establishment of these common rules should also include standardisation of the provisions concerning the duty-free admission of fuel contained in the fuel tanks of commercial motor vehicles;

Whereas, in order to harmonise conditions of competition between carriers in the various Member States:

— the minimum quantity of fuel admitted duty-free should be specified, and the conditions for duty-free admission of additional quantities should be laid down;

— the provisions applicable in a Member State concerning the duty-free admission of fuel should be the same irrespective of the Member State in which the vehicle is registered;

Whereas, in order to avoid abuses in respect of fuel imported duty-free, special provisions should be made with regard to frontier zones;

HAS ADOPTED THIS DIRECTIVE:

▼M2

Article 1

Member States shall, in accordance with this Directive, standardize provisions regarding the duty-free admission of fuel contained in the standard fuel tanks of commercial motor vehicles travelling across common frontiers between Member States.

▼A1

Article 1a

Commercial motor vehicles registered in a Member State which cross the sea on board some form of sea transport from a port on the territory of one Member State to a port on the territory of another Member State shall for the purposes of this Directive be regarded as travelling across a common frontier between Member States.

---

[1] OJ No 88, 24.5.1965, p. 1500/65.
[2] OJ No 28, 17.2.1967, p. 459/67.
[3] OJ No 42, 7.3.1967, p. 618/67.

▼M2

Article 2

For the purposes of this Regulation:

— 'commercial motor vehicle' means any motorized road vehicle which by its type of construction and equipment is designed for, and capable of, transporting, whether for payment or not:

(a) more than nine persons, including the driver;

(b) goods;

— 'standard fuel tanks' means the tanks permanently fixed by the manufacturer to all motor vehicles of the same type as the vehicle in question and whose permanent fitting enables fuel to be used directly, both for the purpose of propulsion and, where appropriate, for the operation of a refrigeration system.

Gas tanks fitted to motor vehicles designed for the direct use of gas as a fuel shall also be considered to be standard fuel tanks.

▼B

Article 3

▼M2

1. Member States shall admit duty-free the following quantities of fuel contained in standard fuel tanks of commercial motor vehicles:

(a) 200 litres per vehicle and per journey in the case of vehicles designed for, and capable of, transporting goods, with or without payment;

(b) 600 litres per vehicle and per journey in the case of vehicles designed for, and capable of, transporting more than nine persons including the driver.

Acting in accordance with the procedures provided for by the Treaty on this point, the Council shall decide, on a proposal from the Commission, before 1 July 1986, on the increase of the quantity of fuel admitted duty-free and contained in the standard fuel tanks of the vehicles referred to in (a) of the first subparagraph.

▼B

2. Whenever a major approximation of national systems of diesel fuel taxation is undertaken, the Council, acting unanimously on a proposal from the Commission, shall specify the quantity of fuel which Member States shall admit duty-free in excess of the quantity specified in paragraph 1.

The Council shall, following the same procedure, take a decision concerning the duty-free admission of all of the fuel contained in the normal fuel tanks of commercial motor vehicles, once differences in the aforesaid systems of taxation have been sufficiently reduced.

3. Each Member State may admit duty-free quantities of fuel in excess of the quantities admissible pursuant to the provisions of paragraphs 1 and 2.

4. Quantities of fuel specified by a Member State pursuant to any of the foregoing paragraphs shall be the same irrespective of the Member State in which the commercial motor vehicle is registered.

Article 4

In no case may measures adopted by a Member State pursuant to this Directive be less favourable than those applied by that Member State to commercial motor vehicles registered in third countries and travelling across common frontiers between Member States.

▼M2

▼B

Article 6

Member States shall inform the Commission of the measures taken to implement this Directive.

▼B

Article 7

This Directive is addressed to the Member States.