

Opinion of the Economic and Social Committee on the 'Proposal for a European Parliament and Council Directive amending 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'

(98/C 407/11)

On 15 May 1998 the Council decided to consult the Economic and Social Committee, under Article 100a of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Industry, Commerce, Crafts and Services, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 8 July 1998. The rapporteur was Mr Bagliano.

At its 357th plenary session (meeting of 9 September 1998), the Economic and Social Committee adopted the following opinion by 112 votes to 2.

1. Introduction

1.1. Directive 70/221/EEC of 20 March 1970⁽¹⁾, as last amended by Directive 97/19/EC of 18 April 1997⁽²⁾, covers tanks for liquid fuels, other than gaseous fuels, for the propulsion of motor vehicles.

The directive also contains provisions on 'underrun protection', primarily concerning commercial vehicles, in order to limit damage should a motor vehicle crash into the back of a commercial vehicle.

1.2. With regard to fuel tanks, the directive's technical specifications concern chiefly:

- i) compliance with leakage tests;
- ii) corrosion resistance;
- iii) protection in case of impact or overturning.

1.3. These requirements were first included in the original Directive 70/221/EEC, but they were vaguely worded and gave no precise indication of how the fuel tanks should be tested for compliance. Consequently, the technical services of the then Member States drew up 'interpretations' of the text of the directive, in order to ensure consistency between the various administrations when granting type-approval. These 'interpretations' are still in use, as they have not been incorporated in any of the amendments to Directive 70/221/EEC. Subsequent amendments, such as the most recent one referred to above (Directive 97/19/EC), only contained modifications relating to administrative procedures or to rear underrun protection.

1.4. The current proposal, amending Directive 70/221/EEC, aims to clear up any ambiguity surrounding the test procedures. It also introduces specific tests for

fuel tanks made of plastic material and establishes a legal framework which will enable the Commission to include technical specifications for tanks containing compressed gaseous fuels for use in motor vehicles.

2. Gist of the Commission proposal

2.1. The Commission proposes to extend the scope of Directive 70/221/EEC to include tanks for gaseous fuels.

2.2. The technical specifications only refer to liquid-fuel tanks, and take on board the specifications contained in Regulation No 34⁽³⁾, drafted by the UN-ECE⁽⁴⁾ in Geneva. In addition to the 'interpretations' established by the technical services of the Member States for the implementation of Directive 70/221/EEC and referred to in point 1.3 above, this Regulation also contains specific requirements for tanks made of plastic material.

2.3. The compliance tests include tests for hydraulic internal pressure, overturning, impact resistance and mechanical strength, and, in the case of tanks in plastic

⁽³⁾ Uniform provisions concerning the approval of vehicles with regard to the prevention of fire risks.

⁽⁴⁾ UN-ECE: United Nations Economic Commission for Europe (headquarters in Geneva). In this connection an agreement was signed on 30 March 1958 on the development of common standards for motor vehicles; mutual recognition of the 'type-approval' granted on the basis of these standards. Over time, nearly all European countries have signed the agreement, as did the European Community recently.

Working Party (WP) 29 is responsible for dealing with the various issues concerning the safety and environmental impact of vehicles. Thus far, it has adopted 103 Regulations — which have been subsequently ratified by the signatories to the 1958 agreement — including Regulation R-34 on fuel tanks [cf. ⁽³⁾].

⁽¹⁾ OJ L 76, 6.4.1970.

⁽²⁾ OJ L 125, 16.5.1997.

material, tests for fuel permeability, resistance to fire and resistance to high temperature.

2.4. The Commission proposes that the new provisions should apply:

- from 1 October 1999 for all newly-approved types of vehicle;
- from 1 October 2000 for all newly-registered vehicles.

3. Comments

3.1. The Committee feels that the proposed amendments are necessary and timely, as they provide clarity in an area (methodology and test procedures) which the current directive defines only vaguely, and to which the technical services have merely responded pragmatically.

3.2. Moreover, for some time now, the car industry has been using tanks in plastic material, particularly for motorcars, because of the various advantages they offer, such as resistance to corrosion, better impact-resistance, lightness and the fact that they can be moulded to fit available space. There was thus an urgent need to establish specifications for these tanks in order to ensure that stringent safety criteria were respected.

3.3. The Committee also feels that the proposed mechanical strength and impact resistance tests, carried out on the tank as a separate component, must be in addition to car crash simulation tests. In this respect, the Committee is pleased to note that the tests for frontal impact (Directive 96/79/EC) ⁽¹⁾ and side-impact (Directive 96/27/EC) ⁽²⁾ already provide for, inter alia,

⁽¹⁾ OJ L 18, 21.1.1997.

⁽²⁾ OJ L 169, 8.7.1996.

monitoring of any fuel leakage caused by distortion of the bodywork.

3.4. The proposal provides for a leakage-test on a completely overturned tank. Following this test, any leakage from the tank must not exceed 30 g/minute. As regards this tolerance level, the Committee notes the Commission's explanation of the technical reasons why the tank cannot be fully leak-proof when turned upside down (leakage through excess pressure safety valve). It should also be noted that the maximum permitted leakage is identical to that provided for under the directives on front and side-impact.

3.5. The Committee would remind the Commission of the need for leakage tests on tanks in service — particularly after accidents — and would ask it to consider the case for regulation in this area.

3.6. The Committee calls on the Commission to draw up specifications for gaseous-fuel tanks (LPG — liquid petroleum gas, and/or CNG — compressed natural gas), in accordance with the provisions of the third recital. Moreover, the Committee realizes that the extended scope (cf. point 2.1) of the directive provides the legal framework for a future, simplified incorporation of the outcome of the UN-ECE talks on the safety of gaseous-fuel tanks, currently being held in Geneva.

3.7. The Committee is surprised to read in the proposal's impact statement on competitiveness and jobs, that the social partners have not been consulted. This is not true, as professional associations and representatives have taken part in the discussions. The Committee thus calls on the Commission to exercise greater care when compiling these statements, as they provide important evidence of the transparency and democratic nature of the Community legislative process.

Brussels, 9 September 1998.

The President
of the Economic and Social Committee
Tom JENKINS