



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.6.2001
COM(2001) 312 final

1998/0277 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2) (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**relating to heating systems for motor vehicles and their trailers, amending Council
Directive 1970/156/EEC and repealing Council Directive 1978/548/EEC**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. PROCEDURE

The proposal COM(1998) 526 final / 1998/0277 (COD) has been submitted to the Council and the Parliament on 28 September 1998, in accordance with Article 95 of the Treaty (OJ C 326 of 24.10.1998, p. 4).

The Economic and Social Committee has given its opinion on 27 January 1999 (OJ C 101 of 12.4.1999, p. 15).

In the framework of the co-decision procedure, the European Parliament has given its opinion in first reading on 13 April 1999 (OJ C 219 of 30.7.1999, p. 58). The European Parliament accepted 11 amendments, which were all editorial or of a technical nature. The Commission submitted a modified proposal on 13 August 1999 in which it adopted 9 of the European Parliament's amendments to its initial proposal (OJ C 116 E of 26.4.2000, p. 2).

The Common Position of the Council has been adopted unanimously on 17 November 2000 (OJ C 36 of 2.2.2001, p. 1). The Commission has approved the Common Position.

On 14 March 2001; the European Parliament has adopted in its second reading 2 amendments to the Common Position of the Council.

In accordance with Article 251, second paragraph, of the Treaty, the Commission expresses its opinion on the 2 amendments of the European Parliament.

2. OBJECTIVE OF THE PROPOSAL

The objective of the proposal is to extend the scope of Council Directive 1978/548/EEC to include not only passenger cars (M₁ vehicles) but all vehicle categories M, N, O (vehicles for the carriage of passengers, goods, and trailers). Additionally, new harmonised provisions for combustion heaters, which work independently of the propulsion engine, are introduced, thereby replacing national legislation in this field. The requirements assure that these devices comply with a high safety and environmental standard, consistent with current technology. Finally, the proposal aligns the administrative provisions of this Directive to those of the framework Directive establishing the type-approval procedure for motor vehicles and trailers (Council Directive 1970/156/EEC, as amended).

3. OPINION OF THE COMMISSION ON THE AMENDMENTS OF THE EUROPEAN PARLIAMENT

Both amendments are highly technical in nature and do not interfere with the safety requirements. The two amendments are acceptable to the Commission.

The first amendment limits the requirement that the combustion chamber and the heat exchanger should be capable of withstanding a prescribed pressure to heaters using water as a transfer medium. For heaters using air as a transfer medium, the corresponding test is the leakage test described in Annex IV, paragraph 2.2.

The second amendment adds a requirement that the supply of fuel should be stopped when the engine is switched off (part 1) and gives an exemption from this requirement for manually operated heaters (part 2). As LPG fuelled heaters are currently not covered by this Directive, the second part of the amendment is acceptable.

The Commission proposal shall therefore be amended as follows:

- *Annex VII, paragraph 1.3:*

*The combustion chamber and the heat exchanger of **heaters using water as a transfer medium** shall be capable of withstanding a pressure of twice the normal operating pressure or 2 bar (gauge), whichever is greater. The test pressure shall be noted in the information document.*

- *Annex VII, paragraph 2.8:*

*The heating system must be switched off automatically **and the supply of fuel must be stopped within 5 seconds** when the vehicle's engine stops running. **If a manual device is already activated, the heating system can stay in operation.***

4. CONCLUSIONS

Pursuant to Article 250(2) of the EC Treaty, the Commission is amending its proposal in accordance with the above.