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of the European Communities

English edition

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I

(Information)

COUNCIL

COMMON POSITION (EC) No 30/1999

adopted by the Council on 12 July 1999

with a view to adopting European Parliament and Council Decision No .../1999/EC of ... amending the basic decision relating to the Socrates programme so as to include Turkey among the beneficiary countries

(1999/C 249/01)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

cooperation in the field of education, training and
youth;

Having regard to the Treaty establishing the European
Community, and in particular Articles 149 and 150 thereof,

- (4) Whereas a considerable amount of time needs to be allowed, on the one hand, between the amendment of the Decision establishing the said programme, which is the subject of this Decision, enabling it to be opened up to Turkey and the end of the negotiations on the arrangements (particular financial arrangements) for Turkey's participation and, on the other, between the end of those negotiations and its actual participation;

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the Economic and Social
Committee⁽²⁾,

- (5) Whereas the principle of such an opening-up, however, apart from giving a tangible sign of the European Union's oft-repeated willingness to develop sectoral cooperation with Turkey, makes it possible to undertake preparatory measures and measures to increase awareness, with a view to full participation in the said programme or in the future framework programme which is currently being drawn up,

Having regard to the opinion of the Committee of the
Regions⁽³⁾,

Acting in accordance with the procedure laid down in Article
251 of the Treaty⁽⁴⁾,

(1) Whereas Decision 819/95/EC of the European
Parliament and of the Council of 14 March 1995
establishes the Community action programme
Socrates⁽⁵⁾ in which Turkey does not participate;

HAVE DECIDED AS FOLLOWS:

(2) Whereas Turkey is an associated country whose links
with the Community have been substantially bolstered
with the entry into force of the final phase of customs
union;

Article 1

(3) Whereas economic and trade links instituted by the
customs union should be strengthened by closer

The second sentence of Article 7(3) of Decision 819/95/EC shall be replaced by the following:

⁽¹⁾ OJ C 186, 26.6.1996, p. 8.

⁽²⁾ OJ C 158, 26.5.1997, p. 74.

⁽³⁾ Opinion delivered on 3 June 1999 (not yet published in the Official Journal).

⁽⁴⁾ Opinion of the European Parliament of 25 February 1999 (OJ C 153, 1.6.1999, p. 19), Council Common Position of 12 July 1999 and Decision of the European Parliament of ... (not yet published in the Official Journal).

⁽⁵⁾ OJ L 87, 20.4.1995, p. 10.

'This programme shall be open to the participation of Cyprus, Malta and Turkey on the basis of additional appropriations in accordance with procedures to be agreed with the countries in question, taking as a starting-point the rules applied to the European Free Trade Association countries, and in compliance with the provisions of Article 3 of the current Financial Regulation'.

Article 2

This Decision concerns full or partial participation at the earliest possible date by Turkey in the Socrates programme in its current form, to the extent permitted by negotiations, as well as the launch of preparatory measures or measures to increase awareness with a view to such participation or to that provided for under the future framework programme (2000 to 2004).

Article 3

The purpose of the participation of Turkey in the Socrates programme is to enable genuine exchanges to take place between young people from both sides and the staff accompanying them, while respecting their linguistic, educational and cultural diversity, in accordance with Article 149(1) of the Treaty, and the rights of minorities.

Article 4

The European Parliament shall be kept informed of the various measures taken to implement this Decision.

Article 5

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, ...

For the European Parliament

The President

...

For the Council

The President

...

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

1. On 14 May 1996, the Commission forwarded to the Council a proposal for a Decision amending the basic Decision relating to the Socrates programme to include Turkey among the beneficiary countries⁽¹⁾. The proposal is based on Articles 149 and 150 of the Treaty.
2. The European Parliament delivered its opinion on 25 February 1999⁽²⁾.
The Economic and Social Committee delivered its opinion on 20 March 1997⁽³⁾.
The Committee of the Regions delivered its opinion on 3 June 1999⁽⁴⁾.
3. On 12 July 1999, the Council adopted its Common Position pursuant to Article 251 of the Treaty.

II. AIM OF PROPOSAL

4. The purpose of the proposal is to include Turkey among the countries which may benefit from the Socrates programme.

III. ANALYSIS OF THE COMMON POSITION

5. The Council has accepted the Commission proposal.
6. In its opinion, the European Parliament proposed six amendments. The Council decided to accept amendments 1 to 4 and 6 in their entirety. The Council was able to accept amendment 5 in part, but agreed to change the reference to minorities. Its view, supported by the Commission, was that the wording proposed by the European Parliament could give the impression that specific quotas a possibility.

⁽¹⁾ OJ C 186, 26.6.1996, p. 8.

⁽²⁾ Not yet published in the Official Journal.

⁽³⁾ OJ C 158, 26.5.1997, p. 74.

⁽⁴⁾ Not yet published in the Official Journal.

COMMON POSITION (EC) No 31/1999**adopted by the Council on 12 July 1999****with a view to adopting European Parliament and Council Decision No .../1999/EC of ... amending the basic decision relating to the third phase of the Youth for Europe programme so as to include Turkey among the beneficiary countries**

(1999/C 249/02)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 149 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social
Committee ⁽²⁾,

Having regard to the opinion of the Committee of the
Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article
251 of the Treaty ⁽⁴⁾,

- (1) Whereas Decision No 818/95/EC of the European Parliament and of the Council of March 1995 adopts the third phase of the Youth for Europe programme ⁽⁵⁾, in which Turkey does not participate;
- (2) Whereas Turkey is an associated country whose links with the Community have been substantially bolstered with the entry into force of the final phase of customs union;
- (3) Whereas the economic and trade links instituted by the customs union should be strengthened by closer cooperation in the field of education, training and youth;
- (4) Whereas a considerable amount of time needs to be allowed, on the one hand, between the amendment of the Decision establishing the said programme, which is the subject of this Decision, enabling it to be opened up to Turkey and the end of the negotiations on the arrangements (particularly financial arrangements) for

Turkey's participation, and, on the other, between the end of those negotiations and its actual participation;

- (5) Whereas the principle of such an opening-up, however, apart from giving a tangible sign of the European Union's oft-repeated willingness to develop sectoral cooperation with Turkey, will make it possible to undertake preparatory measures and measures to increase awareness, with a view to full participation in the said programme or in the future framework programme which is currently being drawn up,

HAVE DECIDED AS FOLLOWS:

Article 1

The second sentence of Article 7 (4) of Decision 818/95/EC shall be replaced by the following:

'This programme shall be open to the participation of Cyprus, Malta and Turkey on the basis of additional appropriations in accordance with procedures to be agreed with the countries in question taking as a starting-point the rules applied to the EFTA countries, and in compliance with the provisions of Article 3 of the Financial Regulation in force.'

Article 2

This Decision concerns full or partial participation at the earliest possible date by Turkey in the Youth for Europe programme in its current form, to the extent permitted by negotiations, as well as the launch of preparatory measures or measures to awareness with a view to such participation or to that provided for under the future framework programme (2000 to 2004).

Article 3

The purpose of the participation of Turkey in the Youth for Europe programme is to enable genuine exchanges to take place between young people from both sides and the staff accompanying them, while respecting their linguistic, educational and cultural diversity, in accordance with Article 149(1) of the Treaty, and the rights of minorities.

⁽¹⁾ OJ C 186, 26.6.1996, p. 9.

⁽²⁾ OJ C 158, 26.5.1997, p. 74.

⁽³⁾ Opinion adopted on 3 June 1999 (not yet published in Official Journal).

⁽⁴⁾ Opinion of the European Parliament of 25 February 1999 (OJ C 153, 1.6.1999, p. 21), Council Common Position of 12 July 1999 and Decision of the European Parliament of ... (not yet published in the Official Journal).

⁽⁵⁾ OJ L 87, 20.4.1995, p. 1.

Article 4

Done at Brussels, ...

The European Parliament shall be kept informed of the various measures taken to implement this Decision.

*For the European Parliament**For the Council**The President**The President**Article 5*

...

...

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

1. On 14 May 1996, the Commission forwarded to the Council a proposal for a Decision amending the basic Decision relating to the third phase of the Youth for Europe programme to include Turkey among the beneficiary countries ⁽¹⁾. The proposal is based on Article 149 of the Treaty.
2. The European Parliament delivered its opinion on 25 February 1999 ⁽²⁾.
The Economic and Social Committee delivered its opinion on 20 March 1997 ⁽³⁾.
The Committee of the Regions delivered its opinion on 3 June 1999 ⁽⁴⁾.
3. On 12 July 1999, the Council established its Common Position in accordance with Article 251 of the Treaty.

II. PURPOSE OF THE PROPOSAL

4. The purpose of the proposal is to add Turkey to the countries eligible under the Youth for Europe programme.

III. ANALYSIS OF THE COMMON POSITION

5. The Council agreed to the Commission proposal.
6. In its opinion, the European Parliament proposed six amendments. The Council decided to accept amendments 7 to 10 and 12 in full. The Council was able to accept amendment 11 in part but agreed to modify the reference to minorities. It took the view, together with the Commission, that the wording proposed by the European Parliament might imply the creation of specific quotas.

⁽¹⁾ OJ C 186, 26.6.1996, p. 9.

⁽²⁾ Not yet published in Official Journal.

⁽³⁾ OJ C 158, 26.5.1997, p. 74.

⁽⁴⁾ Not yet published in the Official Journal.

COMMON POSITION (EC) No 32/1999**adopted by the Council on 12 July 1999****with a view to adopting European Parliament and Council Directive 1999/.../EC of ... concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports**

(1999/C 249/03)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽³⁾,

- (1) Whereas Community action in the field of social policy aims, *inter alia*, at improving the health and safety of workers in their working environment;
- (2) Whereas Community action in the field of maritime transport aims, *inter alia*, at improving shipboard living and working conditions of seafarers, safety at sea and the prevention of pollution caused by maritime accidents;
- (3) Whereas during its 84th session of 8 to 22 October 1996 the International Labour Organisation Conference (ILO) adopted ILO Convention No 180 concerning seafarers' hours of work and the manning of ships, 1996 (hereinafter 'ILO Convention No 180') and the Protocol to the Merchant Shipping (Minimum Standards) Convention, 1976 (hereinafter 'the Protocol to ILO Convention No 147');
- (4) Whereas Council Directive 99/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST)⁽⁴⁾ adopted under Article 139(2)

of the Treaty, aims to put into effect the said Agreement concluded on 30 September 1998 (hereinafter the 'Agreement'); the content of the Agreement reflects certain provisions of ILO Convention No 180; the Agreement applies to seafarers on board every seagoing ship, whether publicly or privately owned, which is registered in the territory of any Member State and is ordinarily engaged in commercial maritime operations;

- (5) Whereas the purpose of this Directive is to apply the provisions of Directive 1999/.../EC which reflect the provisions of ILO Convention No 180, to any ship calling at a Community port, irrespective of the flag it flies, in order to identify and remedy any situation which is manifestly hazardous for the safety or health of seafarers; however, Directive 1999/.../EC includes requirements which are not to be found in ILO Convention No 180 and which should not therefore be enforced on board ships not flying the flag of a Member State;
- (6) Whereas Directive 1999/.../EC applies to seafarers on board every seagoing ship registered in the territory of a Member State; Member States should monitor compliance with all the provisions of the said Directive by ships registered in their territory;
- (7) Whereas in order to protect safety and to avoid distortions of competition, Member States should be allowed to verify compliance with the relevant provisions of Directive 1999/.../EC by all seagoing vessels calling at their ports, irrespective of the State in which they are registered;
- (8) Whereas in particular, ships flying the flag of a State which is not a party to ILO Convention No 180 or the Protocol to ILO Convention No 147 should not receive more favourable treatment than those flying the flag of a State which is a party to either the Convention or Protocol or to both of them;
- (9) Whereas for the control of the effective enforcement of Directive 1999/.../EC, it is necessary that Member States carry out inspections on board ships, notably after having received a complaint by the master, a crew member, or any person or organisation with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution;

⁽¹⁾ OJ C 43, 17.2.1999, p. 16.

⁽²⁾ OJ C 138, 18.5.1999, p. 33.

⁽³⁾ Opinion of the European Parliament of 14 April 1999 (not yet published in the Official Journal), Council Common Position of 12 July 1999 and Decision of the European Parliament of ... (not yet published in the Official Journal).

⁽⁴⁾ OJ L 167, 2.7.1999, p. 33.

- (10) Whereas for the purposes of this Directive Member States, on their own initiative, may designate, as appropriate, port State control inspectors to carry out inspections on board vessels calling at Community ports;
- (11) Whereas evidence that a ship does not comply with the requirements of Directive 1999/.../EC may be obtained after verification of the shipboard working arrangements and seafarers' records of hours of work or hours of rest or when the inspector has a reasonable belief that seafarers are excessively fatigued;
- (12) Whereas in order to rectify any conditions on board a ship which are clearly hazardous to safety or health, the competent authority of the Member State in whose port the ship has called may impose a prohibition on leaving the port until the deficiencies found have been rectified or the crew is sufficiently rested;
- (13) Whereas since Directive 1999/.../EC reflects the provisions of ILO Convention No 180, verification of compliance with the provisions of that Directive by ships registered in the territory of a third State can take place only when this Convention has entered into force,
- (b) 'competent authority' means the authorities designated by the Member States to perform functions under this Directive,
- (c) 'inspector' means a public-sector employee or other person, duly authorised by the competent authority of a Member State to inspect the working conditions on board, and responsible to that competent authority,
- (d) 'complaint' means any information or report submitted by a member of the crew, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to its crew.

Article 3

Preparation of reports

Without prejudice to Article 1(2), if a Member State in whose port a ship calls voluntarily in the normal course of its business or for operational reasons receives a complaint which it does not consider manifestly unfounded or obtains evidence that the ship does not conform to the standards referred to in Directive 1999/.../EC, it shall prepare a report addressed to the government of the country in which the ship is registered and, when an inspection carried out pursuant to Article 4 provides relevant evidence, the Member State shall take the measures necessary to ensure that any conditions on board which are clearly hazardous to the safety or the health of the crew are rectified.

The identity of the person lodging the report or the complaint must not be revealed to the master or the owner of the ship concerned.

Article 4

Inspection and more detailed inspection

1. When carrying out an inspection, in order to obtain evidence that a ship does not conform to the requirements of Directive 1999/.../EC, the inspector shall determine whether:

- a table with the shipboard working arrangements has been established in the working language or languages of the ship and in English according to the model format reproduced in Annex I, or in an alternative equivalent format, and is posted on board in an easily accessible place,
- seafarers' records of hours of work or hours of rest have been established in the working language or languages of the ship and in English according to the model format reproduced in Annex II, or in an alternative equivalent format, and are kept on board and there is proof that the records have been endorsed by the competent authority of the State where the ship is registered.

2. If a complaint has been received or the inspector from his own observations on board believes that the seafarers may be unduly fatigued, the inspector shall conduct a more detailed

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose and scope

1. The purpose of this Directive is to provide a mechanism for the verification and enforcement of compliance by ships calling at ports of Member States with Directive 1999/.../EC in order to improve maritime safety, working conditions and the health and safety of seafarers on board ships.

2. Member States shall take appropriate measures to ensure that ships which are not registered in their territory or not flying their flag comply with clauses 1 to 12 of the Agreement annexed to Directive 1999/.../EC.

Article 2

Definitions

For the purposes of this Directive,

- (a) 'ship' means any seagoing vessel, whether publicly or privately owned, which is ordinarily engaged in commercial maritime operations. Fishing vessels are not included in this definition,

inspection, pursuant to paragraph 1, to determine whether the working hours or rest periods recorded conform to the standards laid down in Directive 1999/.../EC and that they have been duly observed, taking into account other records relating to the operation of the ship.

Article 5

The rectification of deficiencies

1. If the inspection or the more detailed inspection reveals that the ship does not conform to the requirements of Directive 1999/.../EC, the Member State shall take the measures necessary to ensure that any conditions on board which are clearly hazardous to the safety or health of seafarers are rectified. Such measures may include a prohibition on leaving the port until deficiencies have been rectified or the seafarers have been sufficiently rested.

2. If there is clear evidence that watchkeeping personnel for the first watch or subsequent relieving watches are unduly fatigued, the Member State shall ensure that the ship shall not leave port until the deficiencies found have been rectified or the seafarers in question have been sufficiently rested.

Article 6

Follow-up procedures

1. In the event that the ship is prohibited from leaving the port pursuant to Article 5, the competent authority of the Member State shall inform the master, the owner or operator, the administration of the flag State or the State where the ship is registered or the Consul, or in his absence the nearest diplomatic representative of the State, of the results of the inspections referred to in Article 4, of any decisions taken by the inspector and of corrective actions required, if necessary.

2. When carrying out an inspection under this Directive, all possible efforts should be made to avoid a ship being unduly delayed. If a ship is unduly delayed, the owner or operator shall be entitled to compensation for any loss or damage suffered. In any instance of alleged undue delay, the burden of proof shall lie with the owner or operator of the ship.

Article 7

Right of appeal

1. The owner or the operator of the ship or his representative in the Member State shall have a right of appeal against a detention decision taken by the competent authority. An appeal shall not cause the detention to be suspended.

2. Member States shall establish and maintain appropriate procedures for this purpose in accordance with their national legislation.

3. The competent authority shall properly inform the master of a ship referred to in paragraph 1 of the right of appeal.

Article 8

Administrative cooperation

1. Member States shall take the necessary steps to provide, in conditions compatible with those laid down in Article 14 of Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)⁽¹⁾, for cooperation between their relevant authorities and the relevant competent authorities of other Member States to ensure the effective application of this Directive and shall notify the Commission of the provision made.

2. Information on the measures taken pursuant to Articles 4 and 5 shall be published in accordance with procedures such as those set out in the first paragraph of Article 15 of Directive 95/21/EC.

Article 9

'No more favourable' treatment clause

When inspecting a ship registered in the territory of or flying the flag of a State which has not signed ILO Convention No 180 or the Protocol to ILO Convention No 147, Member States shall, once the Convention and the Protocol are in force, ensure that the treatment given to such ships and their crew is no more favourable than that given to a ship flying the flag of a State which is a party to either ILO Convention No 180 or the Protocol to ILO Convention No 147 or both of them.

Article 10

Final provisions

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 30 June 2002.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion or their official publication. The methods of making such reference shall be laid down by Member States.

3. Member States shall immediately notify to the Commission all provisions of domestic law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

⁽¹⁾ OJ L 157, 7.7.1995, p. 1. Directive as last amended by Directive 98/42/EC (OJ L 184, 27.6.1998, p. 40).

*Article 11***Ships from non-member States**

This Directive shall apply to ships not registered in the territory of, or not flying the flag of, a Member State only on the date of entry into force of ILO Convention No 180 and the date of entry into force of the Protocol to ILO Convention No 147.

*Article 12***Entry into force**

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

*Article 13***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, ...

The European Parliament

The President

...

For the Council

The President

...

ANNEX I

MODEL FORMAT FOR TABLE OF SHIPBOARD WORKING ARRANGEMENTS ⁽¹⁾

Name of ship: _____ Flag of ship: _____ IMO number (if any): _____ Latest update of table: _____ () of () pages.

The maximum hours of work or minimum hours of rest are applicable in accordance with: _____ (national law or regulation) issued in conformity with ILO's Seafarer's Hours of Work and the Manning of Ships Convention 1996 (No 180) and with any applicable collective agreement registered or authorised in accordance with that Convention and with the International Convention on standards of training, certification and watch-keeping for seafarers, 1978, as amended, (STCW Convention) ⁽²⁾.

Maximum hours of work or minimum hours of rest ⁽³⁾: _____

Other requirements: _____

Position/rank ⁽⁴⁾	Scheduled daily work hours at sea		Scheduled daily work hours in port		Comments	Total daily work/rest hours ⁽⁵⁾	
	Watchkeeping (from-to)	Non-watchkeeping duties (from-to) ⁽⁵⁾	Watchkeeping (from-to)	Non-watchkeeping duties (from-to)		At sea	In ports

Signature of the master: _____

⁽¹⁾ The terms used in this model table are to appear in the working language or languages of the ship and in English.

⁽²⁾ See overleaf for selected extracts from ILO Convention No 180 and the STCW Convention.

⁽³⁾ Delete as applicable.

⁽⁴⁾ For those positions/ranks that are also listed in the ship's safe manning document, the terminology used should be the same as in that document.

⁽⁵⁾ For watchkeeping personnel, the comments section may be used to indicate the anticipated number of hours to be devoted to unscheduled work and any such hours should be included in the appropriate total daily work hours column.

SELECTED TEXTS FROM ILO CONVENTION No 180 AND THE STCW CONVENTION**ILO Convention No 180**

- Article 5(1) The limits on hours of work or rest shall be as follows: (a) maximum hours of work shall not exceed: (i) 14 hours in any 24-hours period; and (ii) 72 hours in any seven-day period; or (b) minimum hours of rest shall not be less than: (i) 10 hours in any 24-hour period; and (ii) 77 hours in any seven day period.
- Article 5(2) Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.
- Article 5(6) Nothing in paragraphs 1 and 2 shall prevent the Member State from having national laws or regulations or a procedure for the competent authority to authorise or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.
- Article 7(1) Nothing in this Convention shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.
- Article 7(3) As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

STCW Convention*Section A-VIII/1 of the STCW Code (Mandatory)*

1. All persons who are assigned duty as officer in charge of a watch shall be provided a minimum of 10 hours rest in any 24-hour period.
2. The hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length.
3. The requirements for rest periods laid down in paragraphs 1 and 2 need not be maintained in the case of an emergency or drill or in other overriding operational conditions.
4. Notwithstanding the provisions of paragraphs 1 and 2, the minimum period of 10 hours may be reduced to not less than six consecutive hours provided that any such reduction shall not extend beyond two days and not less than 70 hours of rest are provided each seven day period.
5. Administrations shall require that watch schedules be posted where they are easily accessible.

Section B-VIII/1 of STCW Code (Guidance)

3. In applying Regulation VIII/1, the following should be taken into account:
 1. provisions made to prevent fatigue should ensure that excessive or unreasonable overall working hours are not undertaken. In particular, the minimum rest periods specified in Section A-VIII/1 should not be interpreted as implying that all other hours may be devoted to watchkeeping or other duties;
 2. that the frequency and length of leave periods, and the granting of compensatory leave, are material factors in preventing fatigue from building up over a period time;
 3. the provision may be varied for ships on short-sea voyages, provided special safety arrangements are put in place.

ANNEX II

MODEL FORMAT FOR RECORD OF HOURS OF WORK OR HOURS OF REST OF SEAFARERS ⁽¹⁾

Page 1 of 2

Name of ship: _____ IMO number (if any): _____ Flag of ship: _____
Seafarer (full name): _____ Position/rank: _____
Month and year: _____ Watchkeeper ⁽²⁾: yes no

Record of hours of work/rest ⁽³⁾

Please mark periods of work or rest, as applicable, with an 'X', or using a continuous line or arrow.

COMPLETE THE TABLE ON THE REVERSE SIDE

The following national laws, regulations and/or collective agreements governing limitations on working hours or minimum rest periods apply to this ship: _____

I agree that this record is an accurate reflection of the hours of work or rest of the seafarer concerned.

Name of master or person authorised by master to sign this record: _____

Signature of master or authorised person: _____ Signature of seafarer: _____

A copy of this record is to be given to the seafarer.

This form is subject to examination and endorsement under procedures established by the

_____ (name of competent authority).

⁽¹⁾ The terms used in this model table are to appear in the working language or languages of the ship and in English.

⁽²⁾ Tick as appropriate.

⁽³⁾ Delete as appropriate.

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

1. On 25 November 1998 the Commission submitted the above proposal for a Directive, which is based on Article 80(2) of the EC Treaty (formerly Article 84(2)), to the European Parliament and the Council.
2. The Economic and Social Committee delivered its opinion on 25 March 1999.
3. The European Parliament delivered its opinion on first reading on 14 April 1999. It did not table any amendments to the Commission proposal.
4. On 10 May 1999, i.e. following entry into force of the Amsterdam Treaty, the Council referred the matter to the Committee of the Regions. By letter of 25 June 1999 the Committee of the Regions informed the Council that 'Commission 5 (social policy, public health, consumer protection, research, tourism), which was responsible for such matters, had decided not to draw up an opinion on the subject, pursuant to Article 39 of its rules of procedure'.
5. On 12 July 1999, the Council adopted a Common Position on the Commission proposal for a Directive in accordance with Article 251 of the Treaty.

II. OBJECTIVE

On 23 November 1993 the Council adopted Directive 93/104/EC concerning certain aspects of the organisation of working time. Some sectors and activities are excluded from the scope of the Directive: air, rail, road, inland waterway and lake transport, sea fishing, other work at sea and the activities of doctors in training.

The purpose of this Directive is to apply the provisions of Directive 1999/63/EC concerning the Agreement on the organisation of the working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST), which reflect the provisions of ILO Convention No 180, to all ships calling at a Community port, irrespective of the flag they fly, in order to identify and remedy any situation which is manifestly hazardous for the safety or health of seafarers.

III. ANALYSIS OF THE COMMON POSITION

1. GENERAL COMMENTS

While keeping to the approach and the aims proposed by the Commission and supported by the European Parliament, the Council has nevertheless felt it necessary to make some minor changes to the text of the proposal; these are essentially drafting changes.

In making these changes, the Council's chief concern has been to establish consistency with other texts, such as Directive 1999/63/EC, ILO Convention No 180 and the Protocol to ILO Convention No 147.

2. EUROPEAN PARLIAMENT AMENDMENTS

The European Parliament has not tabled any amendments to the Commission proposal.

3. COUNCIL AMENDMENTS TO THE COMMISSION PROPOSAL

(Save where stated otherwise, the numbering of the recitals and paragraphs referred to is that of the Common Position)

3.1. Application of the Directive to third country ships (Article 1(2))

The Council has simplified Article 1(2) by providing that Member States are to take appropriate measures to ensure that clauses 1 to 12 of the Agreement annexed to Directive 1999/63/EC are complied with on board ships which are not registered in the territory of the Member State carrying out the inspections or not flying the flag of that Member State.

3.2. Definition of a ship (Article 2)

The Council has amended this definition slightly by using the definition in the agreement between the social partners contained in Directive 1999/63/EC.

3.3. Manifestly unfounded complaint and protection of the identity of the person lodging the complaint (Article 3)

The Council wanted to specify that Member States are not obliged to examine manifestly unfounded complaints and also that the identity of the person lodging the complaint should be protected.

3.4. Rectification of deficiencies (Article 5(2))

The Council thought it appropriate to add a second paragraph after paragraph 1, dealing specifically with watchkeeping personnel.

3.5. Administrative cooperation (Article 8)

The Council considered it necessary to tighten the wording of paragraph 1 to ensure greater compatibility between the administrative cooperation provided for under the present Directive and that provided for in other texts such as Council Directive 95/21/EC.

3.6. Implementation period (Article 10)

The Council felt that the period for implementation of the Directive proposed by the Commission, to end on 30 June 2001, was not enough to guarantee entry into force of ILO Convention No 180 or of the Protocol to ILO Convention No 147; in its Common Position it has therefore extended the period to 30 June 2002.

COMMON POSITION (EC) No 33/1999**adopted by the Council on 12 July 1999****with a view to adopting European Parliament and Council Directive 1999/.../EC of ... amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive**

(1999/C 249/04)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the Economic and Social
Committee⁽²⁾,

Acting in accordance with the procedure laid down in Article
251 of the Treaty⁽³⁾

(1) Whereas Article 137 of the Treaty provides that the
Community is to support and complement the activities
of the Member States with a view to improving the
working environment to protect workers' health and
safety; Directives adopted on the basis of that Article are
to avoid imposing administrative, financial and legal
constraints in a way which would hold back the
creation and development of small and medium-sized
undertakings;

(2) Whereas Council Directive 93/104/EC of 23 November
1993 concerning certain aspects of the organisation of
working time⁽⁴⁾ lays down minimum safety and health
requirements for the organisation of working time, in
respect of periods of daily rest, breaks, weekly rest,
maximum weekly working time, annual leave and
aspects of night work, shift work and patterns of work;
that Directive should be amended for the following
reasons;

(3) Whereas road, air, sea and rail transport, inland
waterways, sea fishing, other work at sea and the
activities of doctors in training are excluded from the
scope of Council Directive 93/104/EC;

⁽¹⁾ OJ C 43, 17.2.1999, p. 1.

⁽²⁾ OJ C 138, 18.5.1999, p. 33.

⁽³⁾ Opinion of the European Parliament of 14 April 1999 (not yet
published in the Official Journal), Council Common Position of 12
July 1999 and Decision of the European Parliament of ... (not yet
published in the Official Journal).

⁽⁴⁾ OJ L 307, 13.12.1993, p. 18.

(4) Whereas the Commission, in its proposal of 20
September 1990, did not exclude any sectors and
activities from Council Directive 93/104/EC, nor did the
European Parliament in its opinion of 20 February 1991
accept such exclusions;

(5) Whereas the health and safety of workers should be
protected at the workplace not because they work in a
particular sector or carry out a particular activity, but
because they are workers;

(6) Whereas as regards sectoral legislation for mobile
workers, a complementary and parallel approach is
needed in the provision on transport safety and the
health and safety of the workers concerned;

(7) Whereas account needs to be taken of the specific
nature of activities at sea and of doctors in training;

(8) Whereas protection of the health and safety of mobile
workers in the excluded sectors and activities should
also be guaranteed.

(9) Whereas the existing provisions concerning annual leave
and health assessments for night work and shift work
should be extended to include mobile workers in the
excluded sectors and activities;

(10) Whereas the existing provisions on working time and
rest need to be adapted for mobile workers in the
excluded sectors and activities;

(11) Whereas all workers should have adequate rest periods;
the concept of 'rest' must be expressed in units of time,
i.e. in days, hours and/or fractions thereof;

(12) Whereas a Europe Agreement in respect of the working
time of seafarers is being put into effect by means of a
Council Directive⁽⁵⁾, on a proposal from the

⁽⁵⁾ Council Directive 1999/63/EC of 1 June 1999 concerning the
Agreement on the organisation of working time of seafarers
concluded by the European Community Shipowners' Association
(ECSA) and the Federation of Transport Workers' Unions in the
European Union (FST) (OJ 167, 2.7.1999, p. 33).

Commission, in accordance with Article 139(2) of the Treaty; accordingly, the provisions of this Directive should not apply to seafarers;

- (13) Whereas in the case of those 'share-fishermen' who are employees, it is for Member States to determine, pursuant to Article 7 of Council Directive 93/104/EC, the conditions for entitlement to, and granting of, annual leave, including the arrangements for payments;
- (14) Whereas specific standards laid down in other Community instruments relating, for example, to rest periods, working time, annual leave and night work for certain categories of workers should take precedence over the provisions of Council Directive 93/104/EC as amended by this Directive;
- (15) Whereas in the light of the case-law of the Court of Justice of the European Communities the provision relating to Sunday rest should be deleted;
- (16) Whereas in its judgement in Case C-84/94 *United Kingdom v. Council*⁽¹⁾ the Court of Justice ruled that Council Directive 93/104/EC accords with the principles of subsidiary and proportionality set out in Article 5 of the Treaty; there is no reason to assume that that judgement is not applicable to comparable rules concerning a number of aspects of the organisation of working time in excluded sectors and activities,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 93/104/EC is hereby amended as follows:

1. Article 1(3) shall be replaced by the following:

'3. This Directive shall apply to all sectors of activity, both public and private, within the meaning of Article 2 of Directive 89/391/EEC, without prejudice to Articles 14 and 17 of this Directive.

This Directive shall not apply to seafarers, as defined in Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers, concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) (*) without prejudice to Article 2(8) of this Directive.

(*) OJ L 169, 2.7.1999, p. 33.'

2. In Article 2, the following shall be added:

- '7. "mobile worker": shall mean any worker employed as a member of travelling or flying personnel by an undertaking which for hire or reward or on its own account operates transport services for passengers or goods by road, air or inland waterway;
8. "offshore work": shall mean work performed mainly on or from offshore installations (including drilling rigs), directly or indirectly in connection with the exploration, extraction or exploitation of mineral resources, including hydrocarbons, and diving in connection with such activities, whether performed from an offshore installation or a vessel;
9. "adequate rest": shall mean that workers have regular rest periods, the duration of which is expressed in units of time and which are sufficiently long and continuous to ensure that, as a result of fatigue or other irregular working patterns, they do not cause injury to themselves, to fellow workers or to others and that they do not damage their health, either in the short term or in the longer term'.

3. In Article 5, the following subparagraph shall be deleted:

'The minimum rest period referred to in the first subparagraph shall in principle include Sunday'.

4. Article 11 shall be replaced by the following:

'Article 14

More specific Community provisions

This Directive shall not apply where other Community instruments contain more specific requirements relating to the organisation of working time for certain occupations or occupational activities'.

5. Article 17(2.1) shall be replaced by the following:

'2.1. from Articles 3, 4, 5, 8 and 16:

- (a) in the case of activities where the worker's place of work and his place of residence are distant from one another or where the worker's different places of work are distant from one another, particularly offshore work;
- (b) in the case of security and surveillance activities requiring a permanent presence in order to protect property and persons, particularly security guards and caretakers or security firms;
- (c) in the case of activities involving the need for continuity of service or production, particularly:

⁽¹⁾ [1996] ECR I - 5755

- (i) services relating to the reception, treatment and/or care provided by hospitals or similar establishments, including the activities of doctors in training, residential institutions and prisons.
- (ii) dock or airport workers;
- (iii) press, radio, television, cinematographic production, postal and telecommunications services, ambulance, fire and civil protection services;
- (iv) gas, water and electricity production, transmission and distribution, household refuse collection and incineration plants;
- (v) industries in which work cannot be interrupted on technical grounds;
- (vi) research and development activities;
- (vii) agriculture;
- (viii) workers concerned with the carriage of passengers on regular urban transport services who are not covered by Article 17a;

(d) where there is a foreseeable surge of activity, particularly in:

- (i) agriculture;
- (ii) tourism;
- (iii) postal services;

(e) in the case of persons working in railway transport:

- (i) whose activities are intermittent;
- (ii) who spend their working time on board trains; or
- (iii) whose activities are linked to transport timetables and to ensuring the continuity and regularity of traffic;'

6. In Article 17(2) the following shall be added:

'2.4. from Articles 6 and 16(2) in the case of doctors in training:

- (a) with respect to Article 6, for a transitional period of nine years from ... (*). Within the context of this derogation:

(i) Member States shall ensure that in no case will the number of weekly working hours exceed an average of 60 during the first three years of the transitional period, an average of 56 for the following three years and an average of 52 for the remaining three years;

(ii) the employer shall consult the representatives of the employees in good time with a view to reaching an agreement, wherever possible, on the arrangements applying to the transitional period. within the limits set out in point (i), such an agreement may cover:

- the average number of weekly hours of work during the transitional period, and
- the measures to be adopted to reduce weekly working hours to an average of 48 by the end of the transitional period;

(b) with respect to Article 16(2), provided that the reference period does not exceed 12 months, during the first part of the transitional period specified in paragraph (a), and six months thereafter;'

7. The following Articles shall be inserted:

'Article 17a

Mobile workers and offshore work

1. Articles 3, 4, 5 and 8 shall not apply to mobile workers.

2. Member States shall, however, take the necessary measures to ensure that such mobile workers are entitled to adequate rest, except in the circumstances laid down in Article 17 (2.2).

3. Subject to compliance with the general principles relating to the protection of the safety and health of workers, Member States may, for objective or technical reasons or reasons concerning the organisation of work, extend the reference period referred to in Article 16(2) to 12 months in respect of mobile workers and workers who mainly perform offshore work.

Article 17b

Workers on board sea-going fishing vessels

1. Articles 3, 4, 5, 6 and 8 shall not apply to any worker on board a sea-going fishing vessel flying the flag of a Member State.

(*) Four years after the date of entry into force of Directive 1999/.../EC.

2. Member States shall, however, take the necessary measures to ensure that any worker on board a sea-going fishing vessel flying the flag of a Member State is entitled to adequate rest.

3. Within the limits set out in paragraphs 4 and 5 Member States shall take the necessary measures to ensure that, in keeping with the need to protect the safety and health of such workers,

(a) the working hours are limited to a maximum number of hours which shall not be exceeded in a given period of time, or

(b) a minimum number of hours of rest are provided within a given period of time.

The maximum number of hours of work or minimum number of hours of rest shall be specified by law, regulations, administrative provisions or by collective agreements or agreements between the two sides of the industry.

4. The limits on hours of work or rest shall be either:

(a) maximum hours of work which shall not exceed:

(i) 14 hours in any 24-hour period, and

(ii) 72 hours in any seven-day period;

or

(b) minimum hours of rest which shall not be less than:

(i) 10 hours in any 24-hour period, and

(ii) 77 hours in any seven-day period.

5. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

6. In accordance with the general principles of the protection of the health and safety of workers, Member States may adopt national laws and regulations and provide for collective agreements or agreements between the two sides of industry permitting exceptions, including the establishment of reference periods, to the limits laid down in paragraphs 4 and 5. Such exceptions shall, as far as possible, comply with the standards laid down but may take account of more frequent or longer leave periods or the granting of compensatory leave for the workers.

7. The master of a sea-going fishing vessel shall have the right to require a seafarer to perform any hours of work necessary for the immediate safety of the vessel, persons on board or cargo, or for the purpose of giving assistance to other vessels or persons in distress at sea.

8. Member States may provide that workers on board sea-going fishing vessels for which national legislation or practice determines that these vessels are not allowed to operate in a specific period of the calendar year exceeding one month, shall take annual leave in accordance with Article 7 within the abovementioned period'.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than ... (*), or shall ensure that, by that date at the latest, the two sides of industry have introduced the necessary measures by agreement, the Member States being required to take any measure necessary, to enable them at any time to be in a position to guarantee the results imposed by this Directive. They shall forthwith inform the Commission thereof.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3. Without prejudice to the right of Member States to develop, in the light of changing circumstances, different legislative, regulatory or contractual provisions in the field of working time, as long as the minimum requirements provided for in this Directive are complied with, implementation of this Directive shall not constitute valid grounds for reducing the general level of protection afforded to workers.

4. Member States shall communicate to the Commission the texts of the provisions of national law already adopted or being adopted in the field governed by this Directive.

Article 3

No later than ... (**) the Commission shall, in consultation with the Member States and with management and labour at European level, review the operation of the provisions with regard to workers on board sea-going fishing vessels, and, in particular examine whether these provisions remain appropriate, in particular, as far as health and safety are concerned with a view to proposing suitable amendments, if necessary.

(*) Four years after the date of entry into force of this Directive.

(**) Nine years from the date of entry into force of this Directive.

Article 4

Done at ...

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

For the European Parliament
The President

For the Council
The President

Article 5

...

...

This Directive is addressed to the Member States.

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

1. On 25 November 1998 the Commission submitted the above proposal for a Directive, which is based on Article 137 of the EC Treaty (formerly Article 118a), to the European Parliament and the Council.
2. The Economic and Social Committee delivered its opinion on 25 March 1999.
3. The European Parliament delivered its opinion at first reading on 14 April 1999.
4. On 10 December 1998 the Council referred the matter to the Committee of the Regions. By letter of 24 June 1999 the Committee of the Regions informed the Council that, 'Commission 5 (social policy, public health, consumer protection, research tourism), which was responsible for such matters, had decided not to draw up an opinion on the subject, pursuant to Article 39 of its rules of procedure'.
5. On 12 July 1999, the Council after examining the European Parliament's amendments, adopted a Common Position on the Commission proposal for a Directive in accordance with Article 251 of the Treaty.

II. OBJECTIVE

On 23 November 1993 the Council adopted Directive 93/104/EC concerning certain aspects of the organisation of working time. Some sectors and activities are excluded from the scope of that Directive: air, rail, road, inland waterway and lake transport, sea fishing, other work at sea and the activities of doctors in training.

This Directive is one of a series of four Directives intended to protect workers not covered by Directive 93/104/EC against the harmful effects to their health and safety resulting from excessive working hours, inadequate rest or irregular working patterns.

This Directive amends Directive 93/104/EC and is intended to protect all non-mobile workers as well as mobile workers in rail transport and lays down a number of provisions for other non-mobile workers.

III. ANALYSIS OF THE COMMON POSITION

1. GENERAL COMMENTS

While keeping to the approach and the aims proposed by the Commission and supported by the European Parliament, the Council has felt it necessary to make some substantive and drafting changes to the text of the proposal.

In making these changes, the Council's chief concern has been to enable the Member States to implement this Directive with the flexibility required by the specific nature of certain sectors and within adequate time limits so as to ensure that it is implemented smoothly for the activities concerned.

2. EUROPEAN PARLIAMENT AMENDMENTS

2.1. European Parliament amendments not accepted by the Commission

The Commission did not accept amendments 9, 12, 15, 17, 19 and 20.

2.2. European Parliament amendments accepted by the Commission

The Commission accepted 12 of the 18 amendments proposed by the European Parliament.

3. COUNCIL AMENDMENTS TO THE AMENDED COMMISSION PROPOSAL

(Save where stated otherwise, the numbering of the Articles referred to is that of Directive 93/104/EC)

The Council has incorporated in full the spirit, if not the letter, of nine of the 12 amendments accepted by the Commission. These are amendments 1, 2, 3, 4, 5, 6, 7, 8 and 10 concerning the preamble to the Directive.

On the other hand, the Council did not think it appropriate to incorporate amendments 11, 13 and 16.

3.1. Doctors in training (Article 17(2))

Contrary to the wishes of Parliament (amendment 13) supported by the Commission, the Council wanted to retain the reference to doctors in training in point 2.1(c)(i) of Article 17(2), which provides for a derogation from Articles 3 (daily rest), 4 (breaks), 5 (weekly rest), 8 (night work) and 16 (reference period) on the grounds of continuity of service.

In its proposals, the Commission had made provision for a transitional period of seven years from the date of adoption, during which the number of weekly working hours would on average be 48, with a maximum number of 54 hours per week over a four-year reference period, subject to an agreement between the two sides of industry.

Parliament itself acknowledged the need for a transitional period, which it proposed be limited to four years (amendment 15).

The Council also considered that doctors in training should be covered by the provisions of Directive 93/104/EC. However, in order to take account of the difficulties of certain Member States in which the number of weekly working hours of doctors in training is still far from the target of 48 hours, the Council has made provision in its Common Position for a transitional period of nine years following the deadline for implementation of the Directive in order to enable a sufficient number of doctors to be recruited and trained so that the implementation of this Directive does not give rise to any reduction in the quality of healthcare in those Member States. This transitional period consists of three phases of three years each with maximum amounts of 60, 56 and 52 weekly working hours respectively, over a reference period of 12 months during the first three-year phase and of six months during the subsequent phases.

3.2. Inclusion of fishermen (Article 17b)

In its proposal, the Commission had wanted fishermen to be included in the definition of 'mobile worker', which would have enabled them to benefit from the minimum protection laid down for those mobile workers which includes 'adequate rest' and an average number of working hours which should not be exceeded over a reference period of one year.

Parliament supported the Commission proposal.

The Council, for its part, considered that account should be taken of the specific nature of the activity of sea fishing, which is subject to many vagaries linked to meteorological, biological and environmental conditions. Accordingly, while acknowledging the need to protect the health and safety of sea fisherman, the Council has preferred to incorporate the provisions of Directive 1999/63/EC concerning an agreement between the two sides of the industry on the working conditions of seafarers.

3.3. **Share-fishermen** (Article 1(2) and (9))

As regards share-fishermen whom the Commission had excluded from the scope of Article 7 (annual leave) in its initial proposal, Parliament had wanted to exclude only those share-fishermen whose remuneration consisted solely of a share in the vessel's yield/proceeds (amendment 11) and to refer to share-fishermen in the context of the derogations laid down in Article 19 (amendment 16).

The Council, for its part, wanted the provisions relating to annual leave to be able to apply to those share-fishermen who are employees.

3.4. **Implementation period** (Article 2)

The Commission had proposed an implementation period of two years. Because of the difficulties foreseen by certain Member States in implementing a Directive of such complexity, the Council has considered it advisable to provide for an implementation period of four years.

3.5. **Miscellaneous**

Lastly, the Council has made a number of minor amendments to the initial Commission proposal, such as to the definition of 'adequate rest' and 'offshore work'. Such changes have been accepted by the Commission.

4. AMENDMENTS NOT ACCEPTED BY THE COMMISSION BUT ACCEPTED BY THE COUNCIL

Reference to urban transport workers (Article 2)

The Council did not consider it advisable to include in the definition of mobile workers a reference to urban transport workers as advocated by the European Parliament (amendment 19). However, it should be noted that the Council has included a reference to this type of worker in point 2.1.(c) (viii) of Article 17(2) which provides for a derogation from Articles 3 (daily rest), 4 (breaks), 5 (weekly rest), 8 (night work) and 16 (reference period) on the grounds of continuity of service so as to grant them some protection.

COMMON POSITION (EC) No 34/1999**adopted by the Council on 12 July 1999****with a view to adopting European Parliament and Council Directive 1999/.../EC of ... 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**

(1999/C 249/05)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social
Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article
251 of the Treaty ⁽³⁾,

(1) Whereas Council Directive 70/221/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to liquid fuel tanks and rear underrun protection for motor vehicles and their trailers ⁽⁴⁾ is one of the separate Directives within the EC type-approval procedure which was established by Council Directive 70/156/EEC of 6 February 1990 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽⁵⁾; whereas, consequently, the provisions and definitions laid down in Directive 70/156/EEC concerning vehicles, vehicles systems, components and separate technical units apply to Directive 70/221/EEC; whereas it is necessary to adapt Article 1 of Directive 70/221/EEC to the definitions of Directive 70/156/EEC;

(2) Whereas in order to take account of technical progress, it is advisable to adapt Directive 70/221/EEC to the technical requirements adopted by the United Nations

⁽¹⁾ OJ C 164, 29.5.1998, p. 16.

⁽²⁾ OJ C 407, 28.12.1998, p. 58.

⁽³⁾ Opinion of the European Parliament of 10 February 1999 (OJ C 150, 28.5.1999, p. 168), Council Common Position of 12 July 1999 and Decision of the European Parliament of ... (not yet published in the Official Journal).

⁽⁴⁾ OJ L 76, 6.4.1970, p. 23. Directive as last amended by Directive 97/19/EC (OJ L 125, 16.5.1997, p. 1).

⁽⁵⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 98/14/EC (OJ L 91, 25.3.1998, p. 1).

Economic Commission for Europe in its Regulation No 34 relating to the approval of vehicles with regard to the prevention of fire risk, in particular, to the provisions of fuel tanks made of plastic material for vehicles of category M₁;

(3) Whereas there is increasing interest in gaseous fuels for the propulsion of motor vehicles, in particular for environmental reasons; whereas therefore, in future, Directive 70/221/EEC should also contain provisions for tanks for fuels other than liquid fuels; whereas for this purpose the title and the scope of Directive 70/221/EEC should be amended accordingly; whereas technical specifications for tanks for gaseous fuels will be introduced through later amendments of the said Directive;

(4) Whereas furthermore, it is more and more common for original fuel tanks to be replaced by larger fuel tanks or for additional, unapproved fuel tanks to be installed; whereas provision should consequently be made at the earliest opportunity for Community type-approval of liquid and gas fuel tanks as separate technical entities, in order to maintain a high level of safety in motor-vehicle traffic;

(5) Whereas amendments to the provisions relating to fuel tanks have to be adopted by the European Parliament and the Council; whereas it is expedient that, in the future, amendments necessary for adjusting the technical requirements of Directive 70/221/EEC relating to fuel tanks to technical progress should be adopted in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC;

(6) Whereas the amendments made by this Directive relate only to fuel tanks made of a plastic material; whereas it is unnecessary therefore to invalidate existing approvals granted under Directive 74/60/EEC ⁽⁶⁾ and to prevent the sale, registration, and entry into service of new vehicles having metal liquid fuel tanks covered by such approvals;

⁽⁶⁾ OJ L 38, 11.2.1974, p. 2. Directive as last amended by Directive 78/632/EEC (OJ L 206, 29.7.1978, p. 26).

(7) Whereas given the scale and impact of the action proposed in the sector in question, the Community measures which are the subject of this Directive are necessary, or even indispensable, to attain the objective set, namely Community vehicle type-approval; whereas this objective cannot be adequately achieved by the Member States individually,

6. The list of Annexes and Annex I to Directive 70/221/EEC are hereby amended in accordance with the Annex to this Directive.

Article 2

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 70/221/EEC is hereby amended as follows.

1. The title shall be replaced by the following:

‘Council Directive of 20 March 1970 on the approximation of the laws of the Member States relating to fuel tanks and rear underrun protection of motor vehicles and their trailers’.

2. Article 1 shall be replaced by the following:

‘Article 1

For the purpose of this Directive, “vehicle” means any motor vehicle and its trailers as defined in Annex II Section A to Directive 70/156/EEC’.

3. Article 2(1) shall be replaced by the following:

‘1. No Member State may refuse to grant EC type-approval or national type-approval for a vehicle on grounds relating to its fuel tanks if such vehicle satisfies the requirements set out in this Directive concerning fuel tanks’.

4. Article 2a(1) shall be replaced by the following:

‘1. No Member State may refuse or prohibit the sale, registration, entry into service or use of a vehicle on grounds relating to its fuel tanks if such a vehicle satisfies the requirements set out in this Directive concerning fuel tanks’.

5. Article 3 shall be replaced by the following:

‘Article 3

Any amendments necessary to adapt the requirements of the Annexes to technical progress shall be adopted in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC’.

1. With effect from ... (*), Member States shall accept compliance with the requirements of Directive 70/221/EEC, as amended by this Directive, for the purposes of Articles 4(1) and 7(1) of Directive 70/156/EEC.

2. With effect from ... (**), Member States:

— shall no longer grant EC type-approval in accordance with Article 4(1) of Directive 70/156/EEC, and

— may refuse national type-approval,

for a new type of vehicle on grounds related to its fuel tanks if it fails to comply with the provisions of Directive 70/221/EEC, as amended by this Directive.

3. With effect from ... (***), Member States:

— shall consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 70/156/EEC as no longer valid for the purposes of Article 7(1) of that Directive, and

— may refuse the sale, registration or entry into service of new vehicles which are not accompanied by a certificate of conformity valid in accordance with Directive 70/156/EEC, except where the provisions of Article 8(2) of that Directive are invoked,

on grounds relating to the fuel tanks, if the requirements of Directive 70/221/EEC, as amended by this Directive, are not fulfilled.

4. This Directive shall not invalidate any approval previously granted to vehicles having metal liquid fuel tanks nor prevent extensions of such approvals under the terms of the Directive under which they were originally granted.

(*) 12 months after the date of entry into force of this Directive.

(**) 24 months after the date of entry into force of this Directive.

(***) 36 months after the date of entry into force of this Directive.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before ... (*) and shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

Article 4

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

Done at ...

For the European Parliament

The President

...

For the Council

The President

...

(*) 12 months after the date of entry into force of this Directive.

ANNEX

AMENDMENTS TO THE LIST OF ANNEXES AND TO ANNEX I TO DIRECTIVE 70/221/EEC:

List of annexes

The indication regarding Annex I shall be replaced by the following:

- 'Annex I: Tanks for liquid fuel
 Appendix 1 Test of resistance to fire
 Appendix 2 Dimensions and technical data of firebricks
 Appendix 3 Information document
 Appendix 4 EC type-approval certificate'

Annex I

Annex I shall be replaced by the following:

'ANNEX I

TANKS FOR LIQUID FUEL

1. SCOPE

1.1. This Annex applies to vehicles to which Directive 70/156/EEC applies.

2. DEFINITIONS

For the purpose of this Annex:

2.1. "Vehicle type with regard to fuel tanks" means vehicles which do not differ essentially in such respects as:

2.1.1. the structure, shape, dimensions and materials (metal/plastic) of the tank(s)

2.1.2. in vehicles of category M₁ ⁽¹⁾ the position of the tank(s) in the vehicle in so far as it has a negative effect on the requirements of Section 5.10 of this Annex.

2.2. "Occupant compartment" means the space for occupant accommodation bounded by the roof, floor, side walls, doors, outside glazing, front bulkhead and rear bulkhead.

2.3. "Unladen mass" means the mass of the vehicle in running order as defined in Section 2.6 of Annex I to Directive 70/156/EEC.

2.4. "Tank" means the tank(s) designed to contain the liquid fuel, as defined in Section 2.6, used primarily for the propulsion of the vehicle excluding its accessories (filler pipe (if it is a separate element), filler hole, cap, gauge, connections to the engine or to compensate interior excess pressure, etc.).

2.5. "Capacity of the tank" means the tank capacity as specified by the manufacturer.

2.6. "Liquid fuel" means a fuel which is liquid in normal ambient conditions.

⁽¹⁾ As defined in Annex IIA to Directive 70/156/EEC.

3. APPLICATION FOR EC TYPE-APPROVAL

3.1. The application for type-approval of a type of vehicle with regard to its fuel tanks pursuant to Article 3(4) of Directive 70/156/EEC shall be submitted by the vehicle manufacturer.

3.2. A model for the information document is given in Appendix 3.

3.3. The following must be submitted to the technical service responsible for conducting the type-approval tests:

3.3.1. a vehicle representative of the vehicle type to be approved or the parts of the vehicle which the technical service deems necessary for approval tests;

3.3.2. in the case of a vehicle equipped with a tank made of a plastic material: seven additional tanks, with their accessories

3.3.3. in the case of a vehicle equipped with a tank made of another material: two additional tanks, with their accessories.

4. GRANTING OF EC TYPE-APPROVAL

4.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 4(3) and, if applicable, Article 4(4) of Directive 70/156/EEC shall be granted.

4.2. A model for the EC type-approval certificate is given in Appendix 4.

4.3. An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of vehicle approved. The same Member State shall not assign the same number to another type of vehicle.

5. SPECIFICATIONS

5.1. Tanks must be made so as to be corrosion-resistant.

5.2. Tanks must satisfy, when equipped with all accessories which are normally attached to them, the leakage tests carried out according to Section 6.1 at a relative internal pressure equal to double the working excess pressure, but in any event not less than an excess pressure of 0,3 bar.

Tanks for vehicles made of a plastic material are considered as meeting this requirement if they have passed the test described in Section 6.3.2.

5.3. Any excess pressure or any pressure exceeding the working pressure must be compensated automatically by suitable devices (vents, safety valves, etc.).

5.4. The vents must be designed in such a way as to prevent any fire risk. In particular, any fuel which may leak when the tank(s) is (are) being filled must not be able to fall on the exhaust system. It shall be channelled to the ground.

5.5. The tank(s) must not be situated in, or form, a surface (floor, wall, bulkhead) of the occupant compartment or other compartment integral with it.

5.6. A partition must be provided to separate the occupant compartment from the tank(s). The partition may contain apertures (e.g. to accommodate cables) provided they are so arranged that fuel cannot flow freely from the tank(s) into the occupant compartment or other compartment integral with it during normal conditions of use.

5.7. Every tank must be securely fixed and so placed as to ensure that any fuel leaking from the tank or its accessories will escape to the ground and not into the occupant compartment during normal conditions of use.

- 5.8. The filler hole must not be situated in the occupant compartment, in the luggage compartment or in the engine compartment.
- 5.9. The fuel must not escape through the tank cap or through the devices provided to compensate excess pressure during the foreseeable course of operation of the vehicle. In the case of overturning of the vehicle, a drip may be tolerated provided that it does not exceed 30 g/min; this requirement must be verified during the test prescribed in Section 6.2.
- 5.9.1. The tank cap must be fixed to the fillerpipe: the seal must be retained securely in place, the cap must latch securely in place against the seal and filler pipe when closed.
- 5.9.1.1. The requirements of Section 5.9.1 will be deemed to be satisfied if the vehicle meets the requirements of Section 5.1.3 of Annex I to Directive 98/69/EC⁽¹⁾.
- 5.10. Tanks must be installed in such a way as to be protected from the consequences of an impact to the front or the rear of the vehicle; there shall be no protruding parts, sharp edges, etc. near the tank.
- 5.11. The fuel tank and the filler neck shall be designed and installed in the vehicles in such a way as to avoid any accumulation of static electricity charges on their entire surface. If necessary, they shall be discharged into the metallic structure of the chassis or any major metallic mass by means of a good conductor.
- 5.12. Moreover, tanks made of plastic material must also be tested according to the specific procedure set out in Section 6.3.

6. TESTS

6.1. Hydraulic test

The tank must be subjected to a hydraulic internal pressure test which must be carried out on an isolated unit complete with all its accessories. The tank must be completely filled with a non-flammable liquid (water, for example). After all communication with the outside has been cut off, the pressure must be gradually increased, through the pipe connection through which fuel is fed to the engine, to a relative internal pressure equal to double the working pressure used and in any case to not less than an excess pressure of 0,3 bar, which must be maintained for one minute. During this time the tank shell must not crack or leak; however, it may be permanently deformed.

6.2. Overturn test

- 6.2.1. The tank and all its accessories must be mounted on to a test fixture in a manner corresponding to the mode of installation on the vehicle for which the tank is intended; this also applies to systems for the compensation of the interior excess pressure.
- 6.2.2. The test fixture shall rotate about an axis lying parallel to the longitudinal vehicle axis.
- 6.2.3. The test will be carried out with the tank filled to 90% of its capacity and also 30% of its capacity with a non-flammable liquid having a density and a viscosity close to those of the fuel normally used (water may be accepted).
- 6.2.4. The tank must be turned from its installed position 90° to the right. The tank must remain in this position for at least five minutes.

The tank must then be turned 90° further in the same direction. The tank must be held in this position, in which it is completely inverted, for at least another five minutes.

The tank must be rotated back to its normal position. Testing liquid which has not flowed back from the venting system into the tank must be drained and replenished if necessary.

The tank must be rotated 90° in the opposite direction and left for at least five minutes in this position.

⁽¹⁾ OJ L 350, 28.12.1998, p. 1.

The tank must be rotated 90° further in the same direction. This completely inverted position must be maintained for at least five minutes. Afterwards, the tank must be rotated back to its normal position.

6.3. **Additional tests for tank(s) for vehicles made of a plastic material**

6.3.1. *Impact resistance*

6.3.1.1. The tank must be filled to its capacity with a water-glycol mixture or with another liquid having a low freezing point which does not change the properties of the tank material, and must then be subjected to a perforation test.

6.3.1.2. During this test the tank temperature must be $233\text{ K} \pm 2\text{ K}$ ($-40^{\circ}\text{C} \pm 2^{\circ}\text{C}$).

6.3.1.3. A pendulum impact testing fixture must be used for the test. The impact body must be of steel and have the shape of a pyramid with equilateral-triangle faces and a square base, the summit and the edges being rounded to a radius of 3 mm. The centre of percussion of the pendulum must coincide with the centre of gravity of the pyramid; its distance from the axis of rotation of the pendulum must be 1 m. The total mass of the pendulum must be 15 kg. The energy of the pendulum at the moment of impact must be not less than 30 Nm and as close to that value as possible.

6.3.1.4. The tests must be made on the points of the tank which are regarded as vulnerable to frontal or rear collisions. The points regarded as vulnerable are those which are most exposed or weakest having regard to the shape of the tank or the way in which it is installed on the vehicle. The points selected by the laboratories must be indicated in the test report.

6.3.1.5. During the test, the tank must be held in position by the fittings on the side or sides opposite the side of impact. No leak must result from the test.

6.3.1.6. At the choice of the manufacturer, all the impact tests may be carried out on one tank or each may be carried out on a different tank.

6.3.2. *Mechanical strength*

The tank must be tested under the conditions prescribed in Section 6.1 for leaks and for rigidity of shape. The tank and all its accessories must be mounted onto a test fixture in a manner corresponding to the mode of installation on the vehicle for which the tank is intended. Water at 326 K (53°C) must be used as the testing fluid and must fill the tank to its capacity. The tank must be subjected to a relative internal pressure equal to double the working pressure and in any case to not less than 0,3 bar at a temperature of $326\text{ K} \pm 2\text{ K}$ ($53^{\circ}\text{C} \pm 2^{\circ}\text{C}$) for a period of five hours. During the test, the tank and its accessories must not crack or leak; however, it may be permanently deformed.

6.3.3. *Fuel permeability*

6.3.3.1. The fuel used for the permeability test must be either the reference fuel specified in Annex VIII of Directive 70/220/EEC or a commercial premium-grade fuel. If the tank is only designed for installation on vehicles with a compression ignition engine, the tank shall be filled with diesel fuel.

6.3.3.2. Prior to the test, the tank must be filled to 50% of its capacity with testing fuel and stored, without being sealed, at an ambient temperature of $313\text{ K} \pm 2\text{ K}$ ($40^{\circ}\text{C} \pm 2^{\circ}\text{C}$) until the weight loss per unit time becomes constant.

6.3.3.3. The tank must then be emptied and refilled to 50% of its capacity with test fuel, after which it must be hermetically sealed and be stored at a temperature of $313\text{ K} \pm 2\text{ K}$ ($40^{\circ}\text{C} \pm 2^{\circ}\text{C}$). The pressure must be adjusted when the contents of the tank have reached the testing temperature. During the ensuing test period of eight weeks, the loss of weight due to diffusion during the test period shall be determined. The maximum permissible average loss of fuel is 20 g per 24 hours of testing time.

6.3.3.4. If the loss due to diffusion exceeds the value indicated in Section 6.3.3.3, the test described there must be carried out again, on the same tank, to determine the loss by diffusion at $296\text{ K} \pm 2\text{ K}$ ($23^{\circ}\text{C} \pm 2^{\circ}\text{C}$), but under the same conditions otherwise. The loss so measured shall not exceed 10g per 24 hours.

6.3.4. *Resistance to fuel*

After the test referred to in Section 6.3.3, the tank must still meet the requirements set out in Sections 6.3.1 and 6.3.2.

6.3.5. *Resistance to fire*

The tank must be subjected to the following tests.

6.3.5.1. For two minutes the tank, fixed as on the vehicle, must be exposed to flame. There must be no leakage of liquid fuel from the tank.

6.3.5.2. Three tests must be made on different tanks filled with fuel as follows:

6.3.5.2.1. if the tank is designed for installation on vehicles equipped with either a positive ignition engine or a compression ignition engine, three tests must be carried out with tanks filled with premium-grade gasoline;

6.3.5.2.2. if the tank is only designed for installation on vehicles equipped with a compression ignition engine, three tests must be carried out with tanks filled with diesel fuel.

6.3.5.2.3. For each test the tank must be installed in a testing fixture simulating actual installation conditions as far as possible. The method whereby the tank is fixed in the fixture must correspond to the relevant specifications for the vehicle. Vehicle parts which protect the tank and its accessories against exposure to flame or which affect the course of the fire in any way, as well as specified components installed on the tank and plugs, must be taken into consideration. All openings must be closed during the test, but venting systems must remain operative. Immediately prior to the test the tank must be filled with the specified fuel to 50% of its capacity.

6.3.5.3. The flame to which the tank is exposed must be obtained by burning commercial fuel for positive ignition engines (hereafter called "fuel") in a pan. The quantity of fuel poured into the pan shall be sufficient to permit the flame, under free burning conditions, to burn for the whole test procedure.

6.3.5.4. The pan dimensions must be chosen so as to ensure that the sides of the fuel tank are exposed to the flame. The pan must therefore exceed the horizontal projection of the tank by at least 20 cm, but not more than 50 cm. The side walls of the pan must not project more than 8 cm above the level of the fuel at the start of the test.

6.3.5.5. The pan filled with fuel must be placed under the tank in such a way that the distance between the level of the fuel in the pan and the tank bottom corresponds to the design height of the tank above the road surface at the unladen mass (see Section 2.3). Either the pan, or the testing fixture, or both, must be freely movable.

6.3.5.6. During phase C of the test, the pan must be covered by a screen placed $2\text{ cm} \pm 1\text{ cm}$ above the fuel level. The screen must be made of a refractory material, as prescribed in Appendix 2. There must be no gap between the bricks and they must be supported over the fuel pan in such a manner that the holes in the bricks are not obstructed. The length and width of the frame must be 2 cm to 4 cm smaller than the interior dimensions of the pan so that a gap of 1 cm to 2 cm exists between the frame and the wall of the pan to allow ventilation.

6.3.5.7. When the tests is carried out in the open air, sufficient wind protection must be provided and the wind velocity at fuel-pan level must not exceed 2,5 km/h. Before the test the screen must be heated to $308\text{ K} \pm 5\text{ K}$ ($35^\circ\text{C} \pm 5^\circ\text{C}$). The fire bricks may be wetted in order to guarantee the same test conditions for each successive test.

6.3.5.8. The test must comprise four phases (see Appendix 1).

6.3.5.8.1. Phase A: Pre-heating (figure 1)

The fuel in the pan must be ignited at a distance of at least 3 m from the tank being tested. After 60 seconds pre-heating, the pan must be placed under the tank.

6.3.5.8.2. Phase B: Direct exposure to flame (figure 2)

For 60 seconds the tank must be exposed to the flame from the freely burning fuel.

6.3.5.8.3. Phase C: Indirect exposure to flame (figure 3)

As soon as phase B has been completed, the screen must be placed between the burning pan and the tank. The tank must be exposed to this reduced flame for a further 60 seconds.

6.3.5.8.4. Phase D: End of test (figure 4)

The burning pan covered with the screen must be moved back to its original position (phase A). If, at the end of the test, the tank is burning, the fire must be extinguished forthwith.

6.3.5.9. The results of the test shall be considered satisfactory if no liquid fuel is leaking from the tank.

6.3.6. *Resistance to high temperature*

6.3.6.1. The fixture used for the test must match the manner of installation of the tank on the vehicle, including the way in which the tank vent works.

6.3.6.2. The tank filled to 50% of its capacity with water at 293 K (20°C) must be subjected for one hour to an ambient temperature of $368\text{ K} \pm 2\text{ K}$ ($95^\circ\text{C} \pm 2^\circ\text{C}$).

6.3.6.3. The results of the test shall be considered satisfactory if, after the test, the tank is not leaking or seriously deformed.

6.3.7. *Markings on the fuel tank*

6.3.7.1. The trade name or mark must be affixed to the tank; it must be indelible and clearly legible on the tank when the latter is installed on the vehicle.

7. AMENDMENTS TO APPROVAL

7.1. In the case of amendments to approvals granted pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.

8. CONFORMITY OF PRODUCTION

8.1. Measures to ensure the conformity of production shall be taken in accordance with the provisions laid down in Article 10 of Directive 70/156/EEC.

Appendix 1

TEST OF RESISTANCE TO FIRE

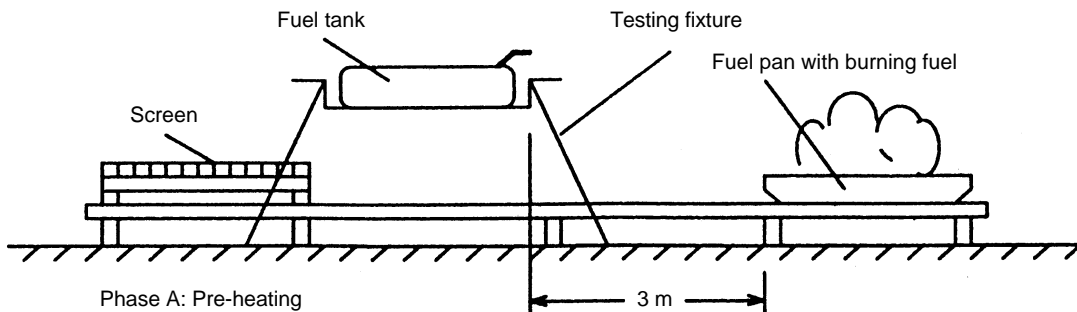


Figure 1

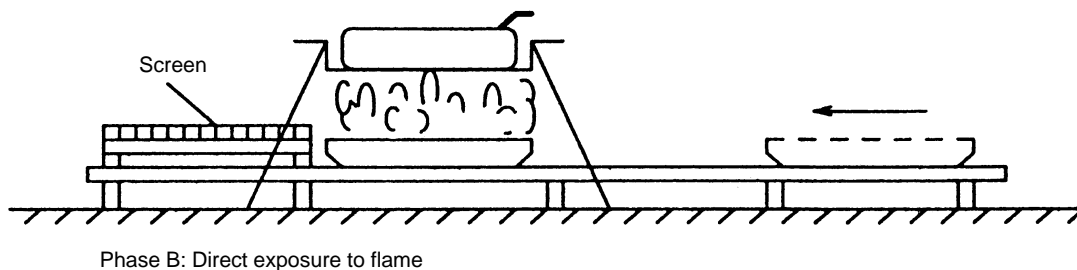


Figure 2

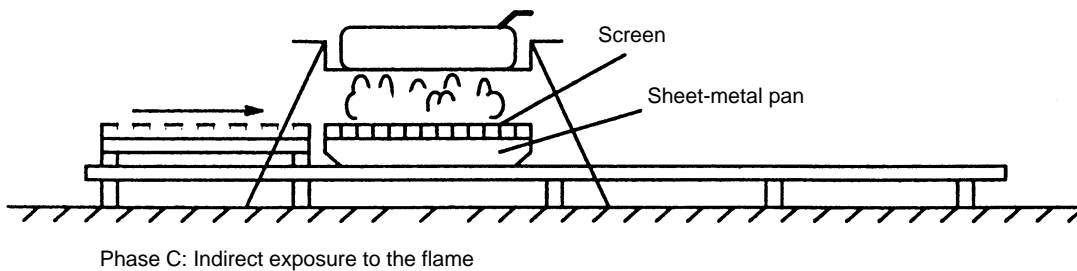


Figure 3

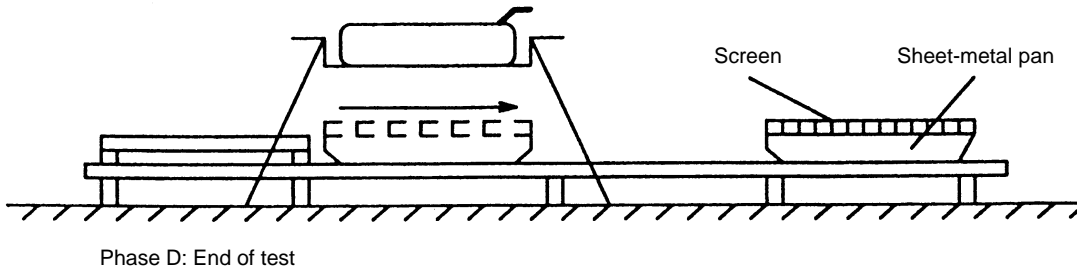
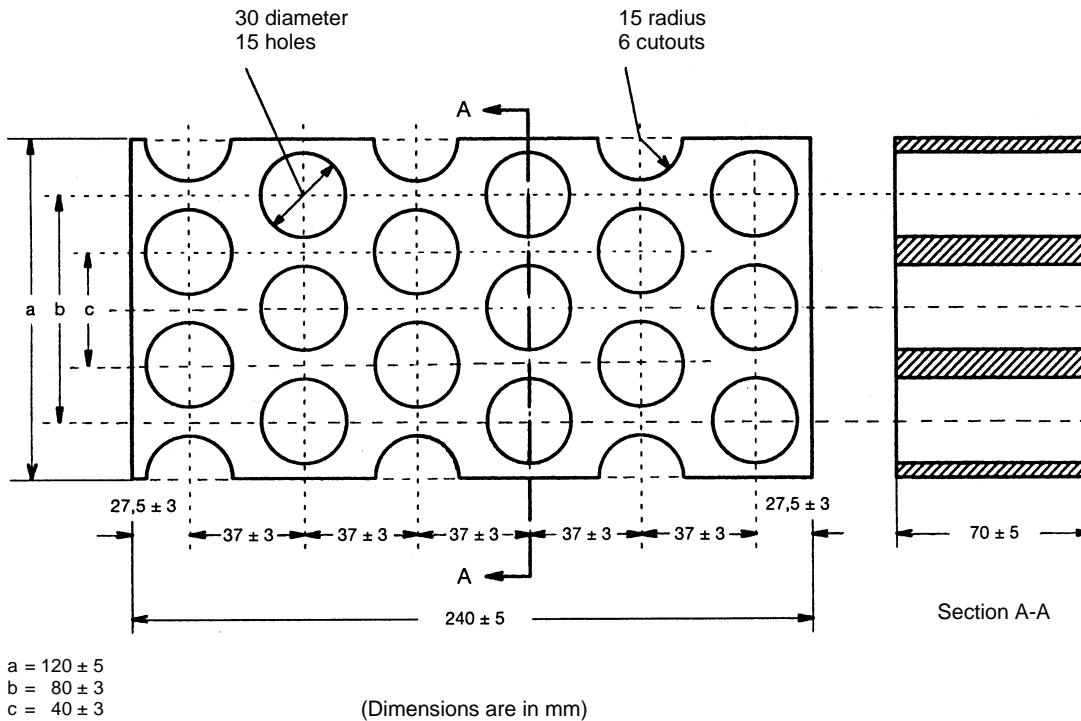


Figure 4

Appendix 2

DIMENSIONS AND TECHNICAL DATA OF FIREBRICKS



Fire resistance (Seger-Kegel)	SK 30
Al ₂ O ₃ content	30-33 %
Open porosity (Po)	20-22 % vol.
Density	1 900-2 000 kg/m ³
Effective holed area	44,18 %

Appendix 3

INFORMATION DOCUMENT No ...

in accordance with Annex I to Directive 70/156/EEC (*) relating to EC type-approval of a vehicle type with regard to its liquid fuel tanks*(Directive 70/221/EEC, as last amended by Directive .../.../EC)*

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0. GENERAL
- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type, if marked on the vehicle ^(b):
- 0.3.1. Location of that marking:
- 0.4. Category of vehicle ^(c):
- 0.5. Name and address of the manufacturer:
- 0.8. Address(es) of assembly plant(s):
1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE
- 1.1. Photographs and/or drawings of a representative vehicle (different body styles only):
3. POWER PLANT ^(d)
- 3.2.2. Fuel: diesel oil/petrol/LPG/any other ⁽¹⁾
- 3.2.3. Fuel tank(s)
- 3.2.3.1. Service fuel tank(s)
- 3.2.3.1.1. Number, capacity, material:
- 3.2.3.1.2. Drawing and technical description of the tank(s) with all connections and all lines of the breathing and venting system, locks, valves, fastening devices:
- 3.2.3.1.3. Drawing showing clearly the position of the tanks in the vehicle:
- 3.2.3.2. Reserve fuel tank(s)
- 3.2.3.2.1. Number, capacity, material:
- 3.2.3.2.2. Drawing and technical description of the tank(s) with all connections and all lines of the breathing and venting system, locks, valves, fastening devices:
- 3.2.3.2.3. Drawing showing clearly the position of the tank(s) in the vehicle:
-
(Date, file)

(*) The item numbers and footnotes used in this information document correspond to those set out in Annex I to Directive 70/156/EEC. Items not relevant for the purpose of this Directive are omitted.

(1) Delete where not applicable.

Appendix 4

MODEL

(maximum format: A4 (210 × 297 mm))

EC TYPE-APPROVAL CERTIFICATEStamp of
administration

Communication concerning the:

- type-approval ⁽¹⁾,
- extension of type-approval ⁽¹⁾,
- refusal of type-approval ⁽¹⁾,
- withdrawal of type-approval ⁽¹⁾,

of a type of vehicle/component/separate technical unit ⁽¹⁾ with regard to Directive .../.../EEC as last amended by Directive .../.../EC.:

Type-approval number:

Reason for extension:

SECTION I

0.1. Make (trade name of manufacturer):

0.2. Type and general commercial description(s):

0.3. Means of identification of type, if marked on the vehicle/component/separate technical unit ⁽¹⁾ ⁽²⁾:

0.3.1. Location of that marking:

0.4. Category of vehicle ⁽¹⁾ ⁽³⁾:

0.5. Name and address of manufacturer:

0.7. In the case of components and separate technical units, location and method of affixing of the EC approval mark:

0.8. Address(es) of assembly plant(s):

SECTION II

1. Additional information (where applicable): see Addendum

2. Technical service responsible for carrying out the tests:

3. Date of test report:

4. Number of test report:

5. Remarks (if any): see Addendum

- 6. Place:
- 7. Date:
- 8. Signature:
- 9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.

(1) Delete where not applicable.
 (2) If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this type-approval certificate, such characters shall be represented in the documentation by the symbol: '?' (e.g. ABC??123??).
 (3) As defined in Annex II Section A to Directive 70/156/EEC.

*Addendum to EC type-approval certificate No ...
 concerning the type-approval of a vehicle with regard to Directive 70/221/EEC (fuel tanks) as last amended
 by Directive .../.../EC*

- 1. Additional information
- 1.1. Material:
- 1.2. Capacity:
- 1.3. Location(s):
- 1.4. Fuel: diesel oil/petrol/any other (1):
- 5. Remarks:

(1) Delete where not applicable.'

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

1. On 6 May 1998 the Commission submitted a proposal, based on Article 95 of the EC Treaty, 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 motor vehicles and their trailers.
2. The European Parliament delivered its opinion on 10 February 1999 and proposed eight amendments to the Commission proposal. In the light of that opinion the Commission submitted an amended proposal on 17 May 1999, incorporating four of the European Parliament's amendments.
3. The Economic and Social Committee delivered its opinion on 10 September 1998.
4. On 15 July 1999, the Council adopted a Common Position on the Commission proposal in accordance with Article 251 of the Treaty.

II. OBJECTIVE

5. The objective of the Commission's proposal is to introduce into Council Directive 70/221/EEC new provisions for tanks made of plastic material, for vehicles of category M₁ to extend the title and scope of Directive 70/221/EEC to tanks for fuels other than liquid fuels (i.e gaseous fuels)

III. ANALYSIS OF THE COMMON POSITION

Enacting terms

The Council has generally accepted the original Commission proposal and only minor changes have been introduced which do not change the substance of the text.

Annex

The Council has agreed on minor changes to the Annex, many of which are of a drafting nature.
