

BUREAU VAN DE WOORDVOERDE

INFORMATION INFORMATORISCHE AUFZEICHNUNG INFORMATION MEMO

NOTE D'INFORMATION NOTA D'INFORMAZIONE TER DOCUMENTIE

Brussels, February 1976

STATE OF PROGRESS:
ABOLITION OF TECHNICAL BARRIERS TO TRADE IN INDUSTRIAL PRODUCTS

In the interest of the consumers

The increase in industry and trade in the Community and the proliferation of products now available to the consumer has made public authorities everywhere aware not only of the increased choice opened to their citizens, but also of the dangers which varying standards, confusion in labelling, and inadequate protection for health and safety represent, and of other allied difficulties which the increase in consumer goods on the market necessarily entail. All of the Member States of the Community have therefore to varying degrees introduced legislation to control these products, and such legislation has inevitably varied as between Member States. The immediate result of this has been to create barriers to inter-state trade caused by these varying legal specifications and standards, and if anything to increase the degree of confusion whilst limiting the choice of the consumer.

The Community has played a central role in eliminating these barriers, thus enabling the consumer to have the benefit of a freer movement of industrial products while at the same time giving him added protection of health and safety. The original General Programme on the Abolition of Technical Barriers to Trade was up-dated by a resolution by the Council of Ministers in December 1973, which set down a list of priorities for the removal of technical barriers as regards specific categories of industrial products. Considerable progress has so far been made. Sixty-one directives have been adopted by the Council, and a further 65 proposals have been transmitted by the Commission. More than 40 directives had actually entered into force by the end of 1975. This progress is significant, although the rhythm of 25 directives per year - target set by the resolution of December 1973 - has not yet been attained, and we would hope that future progress will reach that desirable level.

Implementation by Member States

Moreover, we cannot assume that once directives have been adopted, they have necessarily been properly implemented by Member States. A proper survey of the compatibility of national implementation measures is an enormous task for which the Commission is dependent on the cooperation of Member States. Normally, this cooperation is readily granted, but there are still delays and inaccuracies in the communication of measures by the competent national authorities to the Commission. This position is improving, but a number of formal infringement procedures have been opened, and a further tightening of the position in the future is essential.

¹⁾ O.J. C 117 of 31 December 1973.

The problems which face the Community's working groups of European civil servants and a range of technical and legal governmental experts, are very considerable. For reasons of cost and familiarity, Member States naturally tend to support strongly the adoption at Community level of systems which are already operating within their own territory. However, the pressures to reach a solution of these problems are considerable, given the need to protect the consumer and secure to him the range of choice which manufacturers in the Community are able to offer. For example, the purchaser of a domestic appliance must be sure that it is properly insulated if it is an electrical product, or that he knows clearly what the content is if it is a dangerous substance or if it is a prepackaged product. A building constructor must be clear as to the quality of building materials in order to calculate accurately for any particular construction. At the same time, heavy and dangerous construction machinery must be properly tested and fenced, and comply with reasonable standards of noise emission.

In addition to these difficulties, directives must be continually surveyed and adapted to technical progress so as to avoid the emergence of new barriers. Progress made in the major important sectors can now be examined in turn, showing the emergence of specific difficulties and the extent to which they can be overcome. In all sectors, primary accent has been laid on consumer safety, and the Commission always seeks to arrive at standards which are equivalent to the highest existing within the Member States of the Community. At the same time, cost factors and the present economic situation can never be ignored, and success must be tailored to what is realistic.

Motor vehicles

Twenty-nine directives on motor vehicles and tractors have already been adopted by the Council, and a further 18 have been transmitted by the Commission. These include the basic type approval directives and a range of specific directives and proposals including the sound level of vehicle exhausts, air pollution, doors, seat belts and their anchorages, lights, head-rests and others.

The first stage of the Commission's policy on motor vehicles, namely the harmonisation of existing differences in national legislations, is therefore virtually concluded, although the proposals on seat belts and safety glass windscreens in particular still pose significant outstanding problems.

The way is now clear to move towards a coherent Community policy in the motor vehicle field. An important point in this respect was reached at the Motor Vehicle Symposium held in Brussels in November and December of last year. This Symposium brought together a wide range of experts on safety and other technical specifications for motor vehicles, and was of great value in clarifying the position as regards standards throughout the Community, and making the way clear for a coherent direction of policy in the future.

Measuring instruments

This sector includes not only the directive on units of measurement adopted by the Council in 1971, but 15 other metrology directives including gas meters, and different specific categories of weights and measures. Ten further proposals have been transmitted to the Council.

The problem of harmonising units of measurement was of course in itself a difficult one, but obviously essential if the advantages of an integrated internal market were to be achieved. Its attainment in the units of measurement directive must be regarded as a major success, but the two further categories, namely the measuring instruments themselves and industrial products which require an exact measurement definition of course remain. The directives and proposals on measuring instruments have already gone some distance towards covering the first of these two latter categories, and are important not so much as regards trade in the instruments themselves, but more specifically as regards freeing the flow of the products being measured. A common standard is particularly required for pre-packaged goods, in respect of which trade has greatly increased and the consumer has little chance of verifying the content at the time of sale.

Consumer goods

In the field of electrical material, a directive on low tension appliances has been adopted, and will be fully operative in the near future, when the international standard to which it refers are adopted by the European Standards Institute (CENELEC). These appliances cover all electrical goods used in the home, and will provide safety standards relating to elements such as insulating, earthing and construction materials. A further proposal on electric plugs has just got under way, and should remove the irritation felt by consumers in the Community who find that appliances they have bought in one Member State have to be converted for use if they move to another Member State.

The proposal on cosmetics was drafted in the light of emerging legislation within the Member States and the occurrence of a particularly painful incident, namely the poisoning of small children by the excess of hexachlorophine in baby powder.

The proposal is designed to avoid the marketing of harmful cosmetics, and is of considerable importance in view of the fact that trade in this field has doubled in the last two to three years. The proposal provides a set of negative lists, that is to say substances which are prohibited for use in cosmetic products because of toxicity or other defects. Provision has been made for the gradual conversion of these negative lists to positive lists for certain areas, of which colours, preservatives, and sun-screening agents have already been covered.

Another important field is that of table-ware, which includes a proposal designed to avoid contamination from lead and cadmium issuing from ceramic ware during the course of cooking or eating. A further proposal on enamel ware is in the course of preparation.

A proposal on articles of precious metal was transmitted at the end of 1975, aimed at bringing some order into the varying legal standards of fineness, tolerance and inspection and testing methods, and also at providing a logical relationship between different hall marking systems.

Other proposals on consumer goods include that on textile denominations, which is designed to show the quality of textiles, particularly as regards durability, and that on toys. The field of toys is one in which consumer safety is particularly pertinent. Measures must be taken to guard against sharp edges, breakability, the removal of small objects which might easily be swallowed, protection against toxic chemicals and in the case of large toys, stability. Other problems include electric safety, and resistance to heat and inflammability. Hermonisation is thus required of a host of different specifications designed to cover these points.

Chemical substances

The major starting point in this field is the proposal designed to require proper labelling giving accurate external information on packages containing dangerous substances. Further directives on solvents and detergents have also been adopted, and proposals transmitted on pesticides and paints and varnishes. Further household products (bleaches, polishes etc.) will follow, as will a limitation directive restricting the use in manufacture of certain extremely dangerous substances. This latter proposal is at a very advanced stage.

A directive on sulphur in fuel was adopted by the Council in 1975 and the proposal on lead in petrol was the subject of a debate in the European Parliament in November of that year. Both of these preposals are designed to limit air pollution as far as possible in the light of energy-saving requirements and the current economic situation. The growth of the energy requirements of modern society and the expansion of motor vehicle traffic have made this a major priority for the Community, and the progress made with respect to them is a special tribute to cooperation between Member States in the present difficult economic climate.

directive on fertilizers, aimed at ensuring that the nutrient content of fertilizers informs with the declaration made on the package, was adopted at the end of 1975, and a proposal on ammonium nitrate fertilizers was transmitted by the Commission earlier in the year. The latter is designed to enable such fertilizers to be distinguished from other products based on ammonium nitrate which are intended for use as explosives.

The chemical substances field will be rounded off by a proposal requiring manufacturers to notify any new dangerous substances which they propose to put on the market, so that they can be properly tested.

Treasure vessels

A directive on aerosols has been adopted, and a proposal on pressure vessels and methods of control has been transmitted to the Council. This will be followed by a proposal on fire extinguishers, which will follow the work done by the European Standards Institute (CEN). This latter proposal will include criteria on strength and materials, and provide for standard tests, labelling and insulation from electric contact.

Building materials and machines

Proposals being worked on in this area include behaviour and resistance to fire of materials and also for example criteria of design and structure for load-bearing of reinforced and pre-stressed concrete units. It is obviously of prime importance for the constructor to be sure of the quality of his materials, and not to be confused by varying standards of products issuing from different Member States. Such confusion could easily result in major structural faults leading to the collapse of buildings, fires or other hazards.

In this field, three proposals on the permissible sound levels of various construction engines were adopted in 1975, and other proposals guaranteeing safety for these appliances ill certainly follow.

Numerous other areas are at present the subject of attention by Commission working groups. Among these one should mention the proposals on <u>lifts</u> and other carrying devices such as cranes, escalators and building hoists. A proposal for a wide framework directive has been transmitted to the Council, as well as a specific proposal on lifts. A number of other specific proposals within the scope of the framework directive will follow. A proposal regarding the safety of <u>machine tools</u> is in preparation, as well as one designed to give specific protection for personnel in the form of protection devices ranging from overalls to life-jackets.

Prospectives for 1976

The tension caused by the opposing criteria of cost and safety has been further heightened by the recent heavily increased stress on the rational use of energy. The need to tighten the belt which has quite recently come to the fore has affected most sectors of industry, and goes far beyond motor vehicles themselves. In the latter field, however, the tension is most striking since for example a car which contains more crushable metal and safety appliances will naturally be heavier and require a greater amount of fuel. The cost factor is, however, not a new one, and work will continue in the future to complete the sectors already mentioned in this note and lay down lines for the future opening of a fully integrated internal market offering the widest range of produce to the European consumer at the highest possible level of protection in terms of both health and safety.

It is important to remember that the evolution of public opinion along with technological development at the present is such that there is a real danger that new technical barriers will emerge if a reasonable rhythm of adopting directives is not maintained. In this context the statement of intent of the President of the Council – at the session from 19 to 20 January – to concentrate particularly on this sector during the course of 1976 is encouraging and it is to be hoped that the Council will reach the target of 25 directives per year, as put forward in its resolution of December 1973.

¹⁾ Cf. O.J. C 117 of 31.12.1973.

DIRECTIVES ALREADY ADOPTED BY THE COUNCIL

Motor vehicles

- 1. Type-approval (6.2.1970 OJ No L 42)
- 2. Sound level (6.2.1970 0J No L 42)
- 3. Rear registration plates (20.3.1970 OJ No L 76)
- 4. Liquid fuel tanks and rear protective devices (20.3.1970 0J No L 76)
- 5. Air pollution petrol engines (20.3.1970 OJ No L 76)
- 6. Steering mechanisms (8.6.1970 OJ No L 133)
- 7. Horns (27.7.1970 OJ No L 176)
- 8. Doors (27.7.1970 0J No L 176)
- 9. Rear view mirrors (1.3.1971 OJ No L 68)
- 10. Braking (26.7.1971 0J No L 202)
- 11. Suppression of radio interference (20.6.1972 0J No L 152)
- 12. Air pollution diesel motors (2.8.1972 OJ No L 190)
- 13. Interior fittings (interior parts of the passenger compartment (17.12.1973 OJ No L 38)
- 14. Devices to prevent unauthorized use (17.12.1973 OJ No L 38)
- 15. Adjustment to technical progress of the Directive regarding measures to be taken against air pollution by gases from spark-ignition engines (27.5.1974 OJ No L 159)
- 16. Interior fittings (behaviour of the steering mechanisms in the event of an impact) (4.6.1974 OJ No L 165)
- 17. Strength of seats (22.7.1974 0J No L 221)
- 18. External projections on motor vehicles (17.9.1974 0J No L 266)
- 19. Reversing and speedometer equipment (26.6.1975 0J No L 196)
- 20. Statutory plates and inscriptions, and their location and method of attachment (18.12.1975 OJ No L)
- 21. Safety belt anchorages (18.12.1975 OJ No L)

Agricultural tractors

- 22. Type-approval (4.3.1974 OJ No L 84)
- 23. Maximum design-speed and load platform (4.3.1974 OJ No L 84)
- 24. Certain parts and characteristics (4.3.1974 OJ No L 84)
- 25. Rear view mirrors (25.6.1974 OJ No L 191)
- 26. Field of vision and wind-screen wipers (25.6.1974 OJ No L 191)
- 27. Steering equipment (20.5.1975 OJ No L 147)
- 28. Power connection (20.5.1975 OJ No L 147)
- 29. Suppression of radio interference (20.5.1975 OJ No L 147)

Measuring instruments

- 30. General Directive (26.7.1971 OJ No L 202)
- 31. Medium accuracy weights (26.7.1971 OJ No L 202)
- 32. Gas meters (26.7.1971 OJ No L 202)
- 33. Meters for liquids (26.7.1971 0J No L 202)
- 34. Calibration of the tanks of vessels (12.10.1971 OJ No L 239)
- 35. Standard mass per storage volume of cereals (12.10.1971 OJ No L 239)
- 36. Ancillary equipment for meters for liquids (12.10.1971 0J No L 239)
- 37. Units of measurement (18.10.1971 OJ No L 243)
- 38. Non-automatic weighing machines (19.11.1973 OJ No L 335)
- 39. Material measures of length (19.11.1973 OJ No L 335)
- 40. Weights of from 1 mg to 50 kg of above medium accuracy (4.3.1974 OJ No L 84)
- 41. Cold water meters (17.12.1974 OJ No L 14)
- 42. Continuous totalizing weighing machines (24.6.1975 OJ No L 183)
- 43. Making up by volume of certain prepackaged liquids (19.12.1974 OJ No L 42)
- 44. Measuring containers (19.12.1974 OJ L 42)
- 45. Making up by weight or by volume of certain prepackaged liquids (20.1.1976 OJ No L).

Textiles

- 46. Names (26.7.1971 OJ No L 185) + additional Directive (17.12.1974 OJ No L 14)
- 47. Methods of quantitative analysis of binary fibre mixtures (17.7.1972 OJ No L 173)
- 48. Quantitative analysis of ternary fibre mixtures (26.2.1973 OJ No L 83)

Electrical equipment

- 49. Electrical equipment intended to be used within certain voltages (19.2.1973 OJ L 77)
- 50. Electrical equipment for use in potentially explosive atmospheres (18.12.1975 OJ No L)

Detergents

- 51. Detergents (22.11.1973 OJ No L 347)
- 52. Biodegradability of anionic surfactants (22.11.1973 OJ No L 347)

Dangerous substances and preparations

- 53. Classification, packaging and labelling of dangerous substances (27.6.1967 OJ No 196)
- 54. Classification, packaging and labelling of dangerous substances (21.5.1973 OJ No L 167)
- 55. Classification, packaging and labelling of dangerous preparations (solvents) (4.6.1973 OJ No L 189)
- 56. 5th amendment to classification, packaging and labelling of dangerous substances (24.6.1975 OJ No L 183)

Fuels

57. Sulphur content of certain liquid fuels (24.11.1975 - OJ No

Fertilizers

58. Fertilizers (18.12.1975 - OJ

Lifting equipment

59. Certification and marking of wire ropes, chains and hooks (19.11.1973 - OJ No L 335)

Crystal glass

60. Crystal glass (15.12.1969 - OJ No L 236)

Aerosols

61. Aerosols (29.5.1965 - OJ No L 147)

PROPOSALS FOR DIRECTIVES UNDER EXAMINATION OR SHORTLY TO BE EXAMINED BY THE

PERMANENT REPRESENTATIVES COMMITTEE

Reservations	Rear fog-lights (B); Reversing lights (UK)						Compulsory use of laminated glass for windscreens	Compulsory installation of passenger seats (D)	Measuring method (D)
Date of ESC Opinion	29.05.74	29.05.74	29.05.74	24.04.75	24.04.75	24.04.75	29.03.73	26.02.69	17.07.74
Date of European Parliament's Opinion	22.04.74	22.04.74	22.04.74	14.03.75	14.03.75	14.03.75	07.05.73	26.11.69 ement)	25.09.74
Date forwarded by Commission	10.12.73	21.12.73	15.01.74	31.12.74	31.12.74	31.12.74	20.09.72	05.11.74 (amending supplement)	21.03.74
Proposal for a Directive	Motor_vehicles 1. Installations of lighting and light- signalling devices	2. Fog-lights *	3. Reflex reflectors *	4. Side and rear lights, stop lights, gauge-lights *	5. Headlights *	6. Illumination of rear registration plate *	7. Safety glass	<u>Tractors</u> 8. Passenger seats	9. Noise level

^(*) Proposals on which the Working Party on Economic Questions will report to the Permanent Representatives Committee in the near future.

덴	Proposal for a Directive	Date forwarded by Commission	Date of European Parliament's Opinion	Date of ESC Opinion	Reservations
āi ē e	Measuring instruments 10. Clinical thermometers 11. Electrical energy meters	04.04.66	. 16.03.67 14.02.74	25.01.67 26.09.73	Marking of glass (D) Original EEC ratification (place of ratification, maximum permissible errors)(UK), safety aspect (I)
- -	12. Alcoholometers 13. Alcohol tables	22.11.74 22.11.74	14.03.75	24.04.75 24.04.75	Provi sional reser vation (F)
四 —	Electrical equipment 14. Radio interference produced by electrical household appliances,	08.08.72	07.05.73	22.02.73	Checking the conformity of equipment (D, DK); procedure for modifying the maximum permissible
	portable tools and similar equipment 15. Radio interference produced by fluorescent lighting	08.08.72	07.05.73	22.02.73	interference limits (I) As for 14
-	Pressure vessels 16. Pressure vessels and methods of control of vessels (general directive)	05.01.73	14.12.73	26.09.73	Bilateral trade (scope; choice of control body (N) Disinterested nature of inspections (D, N provisional reservation)

ľρ

Reservations	Technical annexes particularly positive lists of colorants	
Date of ESC Opinion	24.05.73	
Date of European Parliament's Opinion	06.07.73	
Date forwarded by Commission	19.10.72	
Proposal for a Directive	Cosmetic products 17. Cosmetic products	

PROPOSALS FOR DIRECTIVES BEING EXAMINED BY THE WORKING PARTY ON

ECONOMIC QUESTIONS

Pr	oposals for Directives		Date of European Parliament Opinion	Date of ESC Opinion
Mo	tor vehicles			
1.	Direction indicators R/1953/75	15.07.75 (updated)	03.02.67	26.10.66
2.	Amendment to Directive on permissible sound level and exhaust system R/2256/74	14.08.74	13.12.74	30.01.75
3.	Safety belts R/45/75	31.12.74	14.03.75	28 .05.7 5
4.	Towing hooks R/90/75	31.12.74	14.03.75	24.04.75
5•	Head restraints of seats R/45/75	31.12.74	14.03.75	25.06.75
Tra	actors			
6.	Roll-over protection structures R/88/75	31.12.74	14.03.75	25.06.75
Mo	peds			
7.	Type approval of mopeds R/2806/73	05.01.73	04.06.73	26.06.73
Mea	asuring instruments			
8.	Road and rail transport tanks used as measuring containers R/1703/74	21.06.74	12.12.74	30.01.75
Ele	ectrical equipment			
9.	Radio interference caused by sound and vision TV receivers R/1067/73	24.04.73	14.02.74	26.09.73
10.	Radio interference caused by equipment operating at radio frequencies in the range 10 KHz to 18 GHz R/2237/74		12.12.74	27.02.75
11.	Electromedical equipment R/65/75	31.12.74	14.03.75	28.05.75

Proposal for Directive	Date forwarded by Commission	Date of European Parliament Opinion	Date of ESC Opinion
Electrical equipment (contd.)			
12. Medical X-ray equipment operating at 10 to 400 KeV R/65/75	31.12.74	14.03.75	28,05,75
Pressure vessels			
13. Seamless steel gas cylinders R/138/73	05.01.73	14.12.73	26.09.73
14. Seamless aluminium alloy gas cylinders R/2069/74	18.07.74	13.12.74	30.01.75
Dangerous substances and preparations			
15. Restriction of the marketing and use of certain dangerous substances and preparations R/1219/75	26.08.74	21.02.74	28.11.74
16. Classification, packaging and labelling of pesticides R/89/75	31.12.74	29.04.75	25.06.75
Fuel			
17. Lead content of petrol R/3113/73	07.12.73	10.11.75	26.06.74
Constructional plant and equipment			
18. Common provisions for constructional plant and equipment R/67/75	31.12.74	14.03.75	28.05.75
19. Measurement of the sound level of constructional plant and equipment R/67/75	31.12.74	14.03.75	28.05.75
Crockery			
20. Ceramic articles intended to come into contact with food R/112/75	31.12.74	11.04.75	25.06.75

R/150 e/76 (ECO 18)(ANNEX III) kin/BS/jj

PROPOSALS FOR DIRECTIVES NOT YET EXAMINED

I. Proposals on which the Council has received Opinions from the European Parliament and the Economic and Social Committee

Pro	posal for Directive	Date forwarded by Commission	Date of European Parliament Opinion	Date of ESC Opinion
Tra	ctors			
-	Installation of lighting and light signalling devices R/3131/73	27.06.74	13.12.74	30.01.75
Mot	orcycles			
2.	Type-approval of motorcycles R/66/75	31.12.74	14.03.75	25.06.75
Pre	ssure vessels			
	Welded unalloyed steel gas cylinders R/2068/74	18.07.74	13.12.74	30.01.75
Mea	suring instruments			
	Scale of charges for the testing of gas meters R/1523/74	10.06.74	12.12.74	27.02.75
	Taximeters R/1869/75	08.07.75	18.12.75	27.11.75
	gerous substances preparations			
] - 1	Classification, packaging and labelling of paints, varnishes, glues and related products R/1785/75	30.06.75	15.01.76	27.11.75

Proposal for Directive	Date forwarded by Commission	Date of European Parliament Opinion	Date of ESC Opinion
Non-electric appliances for heating, cooking and heating water			
7. Appliances using gaseous fuels, safety and control devices for these appliances and methods for inspecting these appliances R/126/75	31.12.74 y	14.03.75	17.07.75
8. Appliances using gaseous fuels for the instantaneous production of hot water for sanitary purposes R/126/75		14.03.75	17.07.75
Constructional plant and equipment			
9. Permissible sound level for pneumatic concrete-breakers and jackhammers R/67/75	31.12.74	14.03.75	28.05.75
II. Proposals on which t			
from the European Pa	arliament or the	Economic and Soci	al Committee

Proposal for Directive

Date forwarded by Commission

Motor vehicles

1. Field of vision of drivers R/3226/75

12.12.75

Tractors

2. Emission of pollutants from diesel engines for use in w. eled agricultural or forestry tractors R/3216/75

11.12.75

Proposals for Directives	Date forwarded by the Commission
Motorcycles	
3. Permissible sound level and exhaust system R/3264/75	17.12.75
Measuring instruments	
4. Measuring systems for liquids other than water R/2912/75	
5. Amendment of Directive 71/354/EEC relating to units of measurement	21.11.75
R/3070/75	04.12.75
6. Check-weighting and grading machines R/27/76	30.12.75
Fertilizers	
7. Marketing of high nitrogen content ammonium nitrate based fertilizer R/7/76 Precious metals	22.12.75
8. Articles made from precious metals R/3139/75	09.12.75
Lifting appliances	
9. Lifting and mechanical handling appliances R/1966/75	16.07.75(EP/Opinion delivered 18.12.75)
10. Electrically operated lifts R/1966/75	16.07.75(EP/Opinion delivered 18.12.75)
11. Permissible sound emission level for tower cranes R/55/76	30.12.75

.../...

Proposals for Directives

Date forwarded by Commission

12. Permissible sound emission level for current generators for welding R/55/76

30.12.75

13. Permissible sound emission level for current generators for power supply R/55/76

30.12.75