

REPRODUCTION AUTHORIZED

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THE EUROPEAN CONSUMER COMES OF AGE

There are 250 million consumers in Europe. Since the establishment of the European Economic Community, Europeans have been in a better position than ever before to compare the prices charged, the quality of products and services, and the promises and guarantees given by manufacturers, first in six, then in nine countries. Day by day, consumers have learnt to be more demanding, to organize themselves, to speak more and more forcefully with one voice. To meet consumers' wishes the European Commission first created the Environment and Consumer Protection Service, then set up a Consumers' Consultative Committee and has now put forward a preliminary consumer protection and information programme, adopted by the Council of Ministers on 14 April 1975.

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The information published in this bulletin covers the European Communities' activities in the fields of industrial development, protection of the environment and consumer welfare. It is therefore not limited to recording Commission decisions or opinions.

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One view of Europe

The Community's interest in consumers has its legal basis in four passages of the Treaty of Rome, which set up the Common Market. According to its preamble one of the basic aims of the Community is "the constant improvement of the living and working conditions" of the peoples of the Community. Further on the Treaty specifies that one of the Community's tasks is "to promote an accelerated raising of the standard of living", and that one of the objectives of the common agricultural policy is "to ensure that supplies reach consumers at reasonable prices". Lastly, it prohibits undertakings from indulging in practises which consist in "limiting production, markets or technical development to the prejudice of consumers".

In response to mounting demand, these pledges were confirmed at the Paris "Summit" in 1972, when the Heads of State and Government declared that "economic expansion is not an end in itself ... ; it should result in an improvement in the quality of life as well as in standards of living".

There is no doubt that the development of the Community and the establishment of the Customs Union have been to the consumers' advantage. Already free movement of goods has made it possible to offer consumers a much wider choice of products and to ensure a more regular supply. Implementation of Articles 85 and 86 of the Treaty of Rome has helped to maintain competition and this in turn has affected price formation. Consumers' interests, and in particular their health and safety, have been considered in connection with the drafting of directives on agricultural and industrial products. A list giving a selection of these begins on page 13. Lastly, information distributed by the Commission's information service incorporates the views of the Consumers' Consultative Committee and those of the defunct Consumers' Contact Committee.

Five basic rights

A new dimension has been given to the consumer problem with concern for the "quality of life". This concern reflects a trend which legislation has been slow to follow.

The consumer is no longer seen merely as a purchaser and user of goods and services for personal, family or group purposes but also as a person concerned with the various facets of society which may affect him either directly or indirectly as a consumer.

This is why the Community's new consumer protection and information programme specifies five basic consumer rights:

1. The right to protection of health and safety: Goods and services offered to consumers must be such that, under normal or foreseeable conditions of use, they present no risk to the health or safety of consumers. For example, food must not be allowed to deteriorate during transport or marketing; there must be evidence that domestic appliances conform to safety standards.
2. The right to protection of economic interests: The consumer must be protected against the abuse of power by the seller, in the drafting of contracts, in advertising and in credit conditions. He must also be protected against defective products or unsatisfactory services and be assured of a reliable after-sales service.
3. The rights to redress: The consumer should receive advice and help in respect of complaints and of injury or damage resulting from purchase or use of defective goods or unsatisfactory services, and be entitled to compensation for any injury or damage suffered.
4. The right to information and education: The purchaser should be given enough information to enable him to assess the nature, quality, quantity and price of the goods and services offered. He should have access to the results of comparative tests to help him to make a rational choice. Consumer education should be included in school curricula and adequate training given to teachers and instructors.
5. The right to representation: When decisions which concern them are prepared, consumers should be consulted and allowed to express their views, in particular through organizations concerned with consumer protection and information.

Priority action

All these rights must be protected by Community action within the framework of specific Community policies. Agricultural policy, social policy, environmental policy, transport policy, energy policy, the approximation of legislation ... all of these affect the consumer.

A number of priorities have been identified in the programme:

1. The approximation of legislation of foodstuffs, cosmetics, detergents, dangerous substances, medicines, cars, toys, textiles, etc.;
2. The harmonization of the general conditions of consumer credit, including those relating to hire-purchase;

3. The formulation of rules for labelling certain products to indicate their nature, composition, weight or volume, date of manufacture, etc.;
4. The definition of common principles for stating the price and possibly the price per unit of weight or volume;
5. The promotion of cooperation between comparative testing organizations.
6. The organization of studies of consumer behaviour and retail price trends in the Member States of the Community.

Today's consumer

The European programme for consumer protection and information takes two factors into account, first the fact that the individual consumer has become more demanding and second that the bargaining power of consumers has increased now that they are grouped in different organizations at national and Community level.

It is true that producers became aware of the advantages of various aspects of Community policy before consumers did. As a result there has been a marked disproportion between the economic strength of the supplier (producer, wholesaler or retailer) and that of the purchaser. Classical supply and demand theory has been severely shaken as a result. The discovery of new materials, the introduction of new methods of manufacture, the development of means of communication, the expansion of markets, new methods of retailing - all these factors have had the effect of increasing production, supply and demand of an immense variety of goods and services.

This means that the consumer, in the past an individual purchaser in a small local market, has become a unit in a mass market, the target of advertising campaigns and of pressure by highly-organized groups. Trading practices, contract clauses, consumer credit, the very concept of competition, all have evolved.

Consumers were quick to realize that as individuals they were virtually powerless. They therefore decided to form associations to defend their interests. But although they have made remarkable progress in the last few years, consumer associations still have a long way to go. Mr Michael Young, Chairman of the British National Consumer Council remarked rather bitterly that his organization had lived for a year on less money than is spent on Concorde in a day.

The consumer movement is finding it as difficult to win recognition by the State and the legislators as did the trade union movement a century ago. Only recently, a British court ruled that a consumer picket at the entrance to a store was illegal although no one would now question a strike picket at a factory gate.

In this period of inflation, the rôle of consumer associations is more important than ever. Even the most passive members of the public take an interest in what they are doing and their membership is increasing all the time. At most elections held in Europe recently, electors have challenged political groups and governments which had proved incapable of tackling inflation. It could even be said that the governments elected as a result were given a clear mandate by consumers to defend their interests more effectively.

Consumer associations have a responsibility which goes far beyond their limited membership. It is the consumer at the bottom of the scale who is doubly exploited: he has less money and is less able to manage what he has. He buys in small quantities. He has neither the time nor the inclination to go "bargain-hunting". The fact that he is badly informed and poorly educated makes him a prime target for mass advertising campaigns. Consumer associations are also fighting for this consumer who will never join their ranks.

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The Community's programme as adopted will undoubtedly help legislators throughout the Community to take account of consumers' legitimate demands for protection. Extracts from the programme are given below. A selection of directives of interest to consumers adopted by the Community's Council of Ministers is appended.

A PRELIMINARY PROGRAMME OF THE EUROPEAN ECONOMIC COMMUNITY FOR A CONSUMER PROTECTION AND INFORMATION POLICY (Extracts)

The consumer and the economy

While consumer protection has long been an established fact in the Member States of the Community, the concept of a consumer policy is relatively recent. It has developed in response to the abuses and frustrations arising at times from the increased abundance and complexity of goods and services afforded the consumer by an ever-widening market. Although such a market offers certain advantages, the consumer, in availing himself of the market, is no longer able properly to fulfil the role of a balancing factor. As market conditions have changed, the balance between suppliers and customers has tended to become weighted in favour of the supplier. Producers and distributors often have a greater opportunity to determine market conditions than the consumer. Mergers, cartels and certain self-imposed restrictions on competition have also created imbalances to the detriment of consumers.

Trade practices, contractual terms, consumer credit and the very concept of competition itself have all developed.

Such changes have merely accentuated the abovementioned imbalances and made consumers and governments more aware of the need to keep the former better informed of their rights and protected against abuses which might arise from such practices.

Thus practices which were once regarded in many countries as unfair solely in terms of competition between producers (misleading advertising, for example) are now also considered from the point of view of relations between producers and consumers.

Attempts have been made to correct the imbalance of power between producers and consumers mentioned in paragraphs 6 and 7 (of the Programme). Increasingly detailed information is therefore needed to enable consumers, as far as possible, to make better use of their resources, to have a freer choice between the various products or services offered and to influence prices and product and market trends. Thus studies, surveys and comparative tests have been carried out on the quality and usefulness of products and services, on price policy, market conditions, consumer behaviour, rationalization of work in the home etc.

Objectives of Community policy towards consumers

Given the tasks assigned to the Community, it follows that all action taken has repercussions on the consumer. One of the Community's prime objectives, in general terms, is therefore to take full account of consumer interests in the various sectors of Community activity, and to

satisfy their collective and individual needs. Thus there would seem to be a need to formulate a specific Community consumer information and protection policy. In relation to the other common policies, such a policy would take the form of a general guideline aimed at improving the position of consumers whatever the production, distribution or service sector in question. The aims of such a policy are to secure:

- (a) effective protection against hazards to consumer health and safety;
- (b) effective protection against damage to consumers' economic interests;
- (c) adequate facilities for advice, help and redress;
- (d) consumer information and education;
- (e) consultation with and representation of consumers in the framing of decisions affecting their interests.

Priorities

A. Protection of health and safety

In order to promote the free movement of goods, the Community is already actively pursuing a policy of approximation of laws in the agricultural, foodstuffs and industrial sectors. The Council has adopted several programmes relating to specific fields, with a view to harmonizing the provisions laid down by law, regulation or administrative action in the Member States. These programmes establish priority objectives for the approximation of legislation and a timetable for achieving them. The fields which are of special importance for the protection of the consumer's health and safety are the following:

- foodstuffs
- cosmetics and detergents
- utensils and consumer durables
- cars
- textiles
- toys
- dangerous substances
- materials coming into contact with foodstuffs
- medicines
- fertilizers, pesticides and herbicides
- veterinary products and animal feedingstuffs

In this field the Community will:

- . implement the programmes referred to in paragraph 16 (of the Programme), particularly as regards consumer priorities;
- . continue to study the results of current research into substances which may affect the health or safety of consumers, as mentioned particularly in paragraph 16 (of the Programme) and, if necessary, take steps to coordinate and encourage such research;
- . determine those products or categories of products which, because of the hazards they present to health or safety, should be subject to harmonized authorization procedures throughout the Community.

B. Protection of economic interests

1. To harmonize the general conditions of consumer credit, including those relating to hire-purchase

Studies carried out following the recent development of credit facilities show that the consumer needs help in this field.

On the basis of studies already carried out by its own departments and by national authorities, the Commission will submit proposals on the general conditions of consumer credit.

2. To protect the consumer by appropriate measures against false or misleading advertising

- . by establishing principles for assessing the extent to which an advertisement is false, misleading or generally unfair.

3. To protect consumers from unfair commercial practices, for example in the following areas:

- terms of contracts;
- conditions in guarantees, particularly for consumer durables;
- door-to-door sales;
- premium offers;
- unsolicited goods and services;
- information given on labels and packaging, etc.

To this end, the Committee will:

- . collate the measures already taken by the Member States and the studies already made or being made by international organizations;
- . submit all appropriate proposals to the Council.

4. To harmonize the law on product liability so as to provide better protection for the consumer

To this end, the Commission will submit appropriate proposals to the Council on the basis of studies already carried out or in progress.

5. To improve the range and quality of services provided for consumers

In this complex and, for the most part, little researched field, there is great scope for discussion and action on the part of the Community. The Commission will carry out a study in this area. It will report its conclusions before 31 December 1975 and, if appropriate, submit proposals.

6. To promote the more general economic interests of consumers

In order better to satisfy the individual and collective needs of consumers, solutions should be sought to certain general problems such as:

- . how the individual can obtain better value for money for the goods and services supplied;
- . how waste can be prevented, particularly as regards:
 - packaging;
 - the life of goods;
 - the recycling of materials;
- . how protection can be provided against forms of advertising which encroach on the individual freedom of consumers.

C. Advice, help and redress

To this end, the Commission will:

1. Study:

- . systems of assistance and advice in the Member States;

- . systems of redress, arbitration and the amicable settlement of disputes existing in the Member States;
 - . the laws of the Member States relating to consumer protection in the courts, particularly the various means of recourse and procedures, including actions brought by consumer associations or other bodies;
 - . systems and laws of the kind referred to above in certain third countries;
2. Publish papers synthesizing and comparing the advantages and disadvantages of the different systems, procedures and documentation relating to consumer assistance, advice and to redress and legal remedies;
 3. Submit, where necessary, appropriate proposals for improving the existing systems and putting them to better use;
 4. Study the feasibility of a procedure for exchanging information on the outcome of action for redress and legal recourse relating to products mass-marketed in all or several Member States.

D. Consumer information and education

1. Information concerning goods and services

- . to formulate general principles which should apply in the preparation of all specific directives and other rules relating to consumer protection;
- . to lay down rules for the labelling of products for which specifications are harmonized at Community level. These rules should provide that all labelling must be clear, legible and unambiguous;
- . for foodstuffs, to draw up rules stating clearly the particulars that should be given to the consumer (e.g., the nature, composition, weight or volume, the food value, the date of manufacture or any other useful date marking, etc.);
- . for products other than foodstuffs, and for services, to draw up rules stating clearly the particulars which are of interest to the consumer and which should be given to him;
- . to draw up common principles for stating the price and possibly the price per unit of weight or volume;
- . to encourage the use and harmonization of systems of voluntary informative labelling.

2. Comparative tests

Comparative tests are another source of information. Such tests may be carried out by state-financed bodies, private bodies or a combination of the two. These bodies would have much to gain from a coordinated exchange of information.

The Commission will take the necessary steps to ensure that the bodies carrying out comparative tests in the Member States cooperate as closely as possible, particularly by conducting tests jointly and even by laying down similar standards for such tests.

3. Study of consumer behaviour

In order to establish an integrated policy on consumer information and education, more needs to be known about consumer behaviour and attitudes. The Commission already conducts regular consumer surveys on certain aspects of the Community's economic situation. It will continue these surveys and extend them to other subjects, in cooperation with Member States, consumer organizations and other bodies, so as to learn more about the needs and behaviour of consumers within the Community.

4. To inform consumers in simple terms of measures taken at national and Community level which may directly or indirectly affect their interests.

For the Commission, such action will comprise in particular:

- . setting out the categories of consumer information about goods and services which are most needed for consumers in the Community and preparing documentation on that basis;
- . providing an increasing amount and range of clear information on consumer matters being dealt with by the Community, in close cooperation with Member States and consumer and other organizations;
- . encouraging the production of television and radio programmes and films and the publication of press articles, etc., on consumer topics;
- . publishing an annual report on steps taken by the Community and the Member States in the consumer interest by legislation and its implementation, information, consultation and coordination.

5. Information on prices

Consumers should be informed of the factors determining prices within the Community.

Such information will be supplied by the Commission, notably in an annual report.

The Commission should continue to carry out surveys of retail prices and endeavour to inform the public as soon as possible of price differences within the Community.

6. Promotion of consumer education

In order to further the advance of consumer education by providing advice and opinions at Community level, the Commission should undertake further studies in cooperation with Member States and consumer organizations.

The object of such studies, carried out in conjunction with experts from the Member States, should be to determine methods and suggest materials for the encouragement of consumer education in the curricula of schools, universities and other educational establishments.

7. Training the instructors

Training those who are to instruct others is a necessary task on which a number of ideas have been advanced. For instance, centres could be set up in the Member States to provide such training, based on the results of economic and sociological research. Exchanges of ideas, of staff and of students between such centres have also been considered. The Commission will encourage work in this field.

8. Dissemination of a wide range of information

As part of its general information policy, the Commission will encourage the exchange and dissemination of information on topics of interest to consumers, in cooperation with national authorities and bodies concerned with consumer affairs. Publication of an annual report will also provide a means of increasing consumer awareness.

E. Consumer consultation and representation

In this field, the Commission will:

1. Carry out on the basis of existing studies a comparative study of the different procedures for consumer consultation, representation and participation currently employed in the Member States and in particular the rules and criteria relating to how representative consumer organizations are and whether they are to be recognized by the authorities;
2. Encourage organizations representing consumers to study certain matters of particular importance for consumers, to make known their views and coordinate their efforts;
3. Promote exchanges of information between Member States on the most appropriate way of providing consumers with channels through which to be consulted or to express their views.

A SELECTION OF DIRECTIVES OF INTEREST TO CONSUMERS ADOPTED BY THE COMMUNITY'S COUNCIL OF
MINISTERS (as at 31 May 1974)

FOODSTUFFS

1. Authorized colouring matters:

Approximation of rules: Directive of 23.10.1962 (OJ No 115 of 1962, p. 2645), as amended by Directives:

65/469/EEC (OJ No L 178 of 1965, p. 2793)

67/653/EEC (OJ No 263 of 1967, p. 4)

68/419/EEC (OJ No L 309 of 1968, p. 24)

70/358/EEC (OJ No L 157 of 1970, p. 36)

2. Authorized preservatives:

(a) Approximation of laws: Directive 64/54/EEC of 5.11.1963 (OJ No 12 of 1964, p. 161), as amended by Directives:

65/66/EEC (OJ No 22 of 1965, p. 373)

66/722/EEC (OJ No 233 of 1966, p. 3947)

67/427/EEC (OJ No 148 of 1967, p. 1)

68/420/EEC (OJ No L 309 of 1968, p. 25)

70/359/EEC (OJ No L 157 of 1970, p. 38)

71/160/EEC (OJ No L 87 of 1971, p. 12)

72/2/EEC (OJ No L 298 of 1972, p. 48)

74/62/EEC (OJ No L 38 of 1974, p. 29)

(b) Criteria of purity for authorized preservatives: Directive 65/66/EEC of 26.1.1965 (OJ No 22 of 1965, p. 373), as amended by Directive 67/428/EEC (OJ No 148 of 1967, p. 10), Revision OJ No 126 of 1965, p. 2148.

(c) Use and control measures for the qualitative and quantitative analysis of preservatives in and on fruit: Directive 67/427/EEC of 27.6.1967 (OJ No 148 of 1967, p. 1).

3. Authorized antioxidants in foodstuffs:

Directive 70/357/EEC of 13 July 1970 (OJ No L 157 of 1970, p. 31)

4. Cocoa and chocolate products:

Approximation of laws: Directive 73/241/EEC of 24.7.1973 (OJ No L 228 of 1973, p. 23)

5. Sugar:

Approximation of laws: Directive 73/437/EEC of 11.12.1973 (OJ No L 356 of 1973, p. 71)

VETERINARY DIRECTIVES

1. Directive on animal health problems affecting intra-Community trade in bovine animals and swine:

Directive 64/432/EEC of 26.6.1964 (OJ No 121 of 1964, p. 1977) as amended by Directives:

66/600/EEC (OJ No 192 of 1966, p. 3294)

70/360/EEC (OJ No L 157 of 1970, p. 40)

71/285/EEC (OJ No L 179 of 1971, p. 1)

72/97/EEC (OJ No L 38 of 1972, p. 95)

72/445/EEC (OJ No L 298 of 1972, p. 49)

73/150/EEC (OJ No L 172 of 1973, p. 18)

2. Health problems affecting trade in fresh poultrymeat:

Directive 71/118/EEC of 15.2.1971 (OJ No L 55 of 1971, p. 23)

3. Health problems affecting intra-Community trade in fresh meat:

Directive 64/433/EEC of 26.6.1964 (OJ No 121 of 1964, p. 2012), as amended by Directives:

66/601/EEC (OJ No 192 of 1966, p. 3302)

69/349/EEC (OJ No L 256 of 1969, p. 5)

70/486/EEC (OJ No L 239 of 1970, p. 42)

ANIMAL NUTRITION

1. Introduction of Community methods of sampling and analysis for the official control of feedingstuffs:

Directive 70/373/EEC of 20.7.1970 (OJ No L 170 of 1970, p. 1), as amended by Directive 72/275/EEC (OJ No L 171 of 1972, p. 39)

2. Additives in feedingstuffs:

Directive 70/524/EEC of 23.11.1970 (OJ No L 270 of 1970, p. 1), as amended by Directive 73/103/EEC (OJ No L 124 of 1973, p. 17)

3. Undesirable substances and products in feedingstuffs:

Directive 74/63/EEC of 17.12.1973 (OJ No L 38 of 1974, p. 31)

HEALTH PROTECTION

1. Proprietary medicinal products:

Approximation of laws: Directive 65/65/EEC of 26.1.1965 (OJ No 22 of 1965, p. 369), as amended by Directive 66/454/EEC (OJ No 144 of 1966, p. 2658)

2. Classification, packaging and labelling of dangerous substances:

(a) Approximation of laws: Directive 67/548/EEC of 27.6.1967 (OJ No 196 of 1967, p. 1), as amended by Directives:

70/189/EEC (OJ No L 59 of 1970, p. 33)

71/144/EEC (OJ No L 74 of 1971, p. 15)

73/146/EEC (OJ No L 167 of 1973, p. 1)

(b) Classification, packaging and labelling of dangerous preparations (solvents): Directive 73/173/EEC of 4.6.1973 (OJ No 189 of 1973, p. 7)

TEXTILES

1. Textile names:

Approximation of laws: Directive 71/307/EEC of 26.7.1971 (OJ No L 185 of 1971, p. 16)

2. Quantitative analysis of binary textile fibre mixtures:

Approximation of laws: Directive 72/276/EEC of 17.7.1972 (OJ No L 173 of 1972, p. 1)

3. Quantitative analysis of ternary textile fibre mixtures:

Approximation of laws: Directive 73/44/EEC of 26.2.1973 (OJ No L 83 of 1973, p. 1)

INDUSTRIAL PRODUCTS

Detergents

1. Detergents:

Approximation of laws: Directive 73/404/EEC of 22.11.1973 (OJ No L 347 of 1973, p. 51)

2. Methods of testing the biodegradability of anionic surfactants:

Approximation of laws: Directive 73/405/EEC of 22.11.1973 (OJ No L 347 of 1973, p. 53)

Crystal glass

Description and labelling of crystal glass: Directive 69/493/EEC of 15.12.1969 (OJ No L 326 of 1969, p. 36)

Non-automatic weighing machines

Approximation of laws: Directive 73/360/EEC of 19.11.1973 (OJ No L 335 of 1973, p. 1)

Electrical equipment for use within certain voltage limits

Approximation of laws: Directive 73/23/EEC of 19.2.1973 (OJ No L 77 of 1973, p. 29)

MOTOR VEHICLES AND THEIR USE

1. Measures against air pollution by gases from positive-ignition engines of motor vehicles:

Approximation of laws: Directive 70/220/EEC of 20.3.1970 (OJ No L 76 of 1970, p. 1)

2. Liquid fuel tanks and rear protective devices for motor vehicles and their trailers:

Approximation of laws: Directive 70/221/EEC of 20.3.1970 (OJ No L 76 of 1970, p. 23)

3. Steering equipment for motor vehicles and their trailers:

Approximation of laws: Directive 70/311/EEC of 8.6.1970 (OJ No L 133 of 1970, p. 10)

4. Type-approval of motor vehicles and their trailers:

Approximation of laws: Directive 70/156/EEC of 6.2.1970 (OJ No L 42 of 1970, p. 1)

5. Permissible sound level and exhaust system of motor vehicles:

Approximation of laws: Directive 70/157/EEC of 6.2.1970 (OJ No L 42 of 1970, p. 16)

6. Braking devices for certain categories of motor vehicles and their trailers:

Approximation of laws: Directive 71/320/EEC of 26.7.1971 (OJ No L 202 of 1971, p. 37)

7. Insurance against civil liability in respect of the use of motor vehicles and the enforcement of the obligation to insure against such liability:

Directive 72/166/EEC of 24.4.1972 (OJ No L 103 of 1972, p. 1)

8. Audible warning devices for motor vehicles:

Directive 70/388/EEC of 27.7.1970 (OJ No L 176 of 1970, p. 12)

9. Doors of motor vehicles:

Directive 70/387/EEC of 27.7.1970 (OJ No L 176 of 1970, p. 5)

10. Rear-view mirrors of motor vehicles:

Directive 71/127/EEC of 1.3.1971 (OJ No L 68 of 1971, p. 1)

11. Measures against the emission of pollutants from diesel engines:

Directive 72/306/EEC of 2.8.1972 (OJ No L 190 of 1972, p. 1)

12. Interior fittings of motor vehicles:

Directive 74/60/EEC of 17.12.1973 (OJ No L 38 of 1974, p. 2)

13. Devices to prevent the unauthorized use of motor vehicles:

Directive 74/61/EEC of 17.12.1973 (OJ No L 38 of 1974, p. 22)

MATERIAL MEASURES OF LENGTH

Approximation of laws: Directive 73/362/EEC of 19.11.1973 (OJ No L 335 of 1973, p. 56)

ENLARGEMENT OF THE COMMUNITY

Amendment of certain Directives following the enlargement of the Community (OJ No L 326 of 1973, p. 17).