



European Communities

EUROPEAN PARLIAMENT

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WORKING DOCUMENTS

English Edition

1985-86

9 January 1986

SERIES A

DOCUMENT A 2-180/85/ANNEX 2

ANNEX

to the report by Mr G. PATTERSON

drawn up on behalf of the Committee on Economic and
Monetary Affairs and Industrial Policy

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- Opinion of the Committee on the Environment, Public
Health and Consumer Protection

WG(VS)3147E
De. -ppd/egs

PE 101.919/fin./Ann.2

OPINION

(Rule 101 of the Rules of Procedure)

of the Committee on the Environment, Public Health
and Consumer Protection

Draftsman: Mr K. COLLINS

On 20 September 1985 the Committee on the Environment, Public Health and Consumer Protection appointed Mr COLLINS draftsman.

The committee considered the draft opinion at its meetings of 27 November 1985, 4 December 1985 and 19 December 1985 and adopted it unanimously at the last meeting.

The following took part in the vote: Mrs WEBER, chairman; Mrs SCHLEICHER, vice-chairman; Mr COLLINS, vice-chairman and draftsman; Mr BOMBARD, Mr ELLIOTT (deputizing for Mr Hughes), Mrs LENTZ-CORNETTE, Mr NORDMANN, Mrs PEUS (deputizing for Mr Mertens), Mr ROELANTS du VIVIER, Mr SHERLOCK and Mrs VAN HEMELDONCK (deputizing for Mr Muntingh).

I. Introduction

1. In the White Paper which it drew up on the completion of the internal market for the summit meeting of Heads of Government on 28/29 June 1985 in Milan, the Commission observes among other things that the differences in the legislation which the individual Member States have enacted in the field of environmental and consumer protection constitute technical obstacles to completing the internal market. The Commission proposes that the laws, regulations and administrative provisions of the Member States should be approximated in accordance with Article 100 of the Treaty as an effective way of overcoming these obstacles.
2. In the food sector, the Commission proposes in line with the recommendations of the DOOGE Committee that there should be more efficient procedures for approximation under Article 100 of the Treaty. In this field the Community legislation still largely consists of 'horizontal' directives on the use of additives, labelling regulations and so on.
3. The Commission still believes it important for the interests of consumers to be taken into account in all programmes to complete the uniform internal market. It intends to take further measures to ensure consultation of consumers.
4. The Commission takes the view that new technologies such as the European marketing and distribution system with home videotex and new payment cards (memory cards, on-line cards) require appropriate protection for consumers. In the case of the new payment card, the Commission intends to submit proposals to help establish uniform technical specifications for machines to produce the new payment cards so that these can be used in the same way throughout the Community.

II. Conclusions

The Committee on the Environment, Public Health and Consumer Protection

1. Welcomes the fact that the Commission has draw up a White Paper on completing the internal market;
2. Supports the idea of Commission proposals to approximate laws, regulations or administrative actions in the Member States in accordance with Article 100 of the Treaty to overcome the technical obstacles which have been created by, amongst other things, national legislation in the field of environmental and consumer protection with reference to Article 36 of the Treaty;
3. Welcomes in particular the fact that the Commission intends to call upon European standards organizations such as the CEN or the CENELEC to produce all technical specifications and urges the Commission to ensure that consumers should be involved in the work of these organizations;
4. Believes, however, that there may be a danger that if the internal market is considered without overt reference to consumers, common standards of consumer protection, including the safety of consumer products and legal redress, will be allowed to decline to the level of the lowest common denominator in the Member States;

5. Takes the view that the White Paper lays the emphasis mainly on free trade and free circulation of goods, labour, services and capital, but neglects to a broad extent the importance of the harmonization of the safety standards governing consumer goods for the consumer as one of the essential requirements for the free circulation of consumer goods. Only by such a harmonization can independent national regulations according to Article 36 of the Treaty, as an exception to the dispositions of the Treaty, be avoided, reduced and limited to some few exceptional cases;
6. Takes the view therefore that in the interests of citizens and consumers the following aspects of environmental and consumer protection, going beyond the Commission proposals, must be taken into account in an internal market which should be completed by 1992:
 - (a) common value limits and quality objectives for the environment,
 - (b) uniform and easily understood labelling for products so that consumers in the Community know what they are buying,
 - (c) equal access for consumers to the legal system,
 - (d) product safety standards at the highest level possible in the Community,
 - (e) mandatory safety standards for certain consumer goods, if safety and health of the consumer requires a particularly high safety level, instead of voluntary safety standards which are the general rule in the White Paper,
 - (f) specific reference to standards (mandatory standards) for certain highly sensitive consumer goods;
7. Calls on the Commission to supply the European Parliament with a list of proposals which it wishes to withdraw following a review of all the outstanding proposals, on the grounds that they are unimportant or not in accordance with the new strategy;
8. Notes with interest that the Commission intends to submit a directive on fire safety in public buildings and hotels in 1987 and asks the Commission why it does not immediately follow the European Parliament's recommendation to turn the existing Recommendation on the protection of hotels against fire into a directive or a regulation. If the philosophy set out in the White Paper were applied in this way, a substantial amount of work could be saved (page 20 of the Annex);
9. Calls on the Commission to submit proposals to have the 'preliminary information procedure', which became fully effective in some areas of policy on 1 January 1985, extended to foodstuffs and pharmaceutical products and, in particular, to the environment, about which there is at present only a gentleman's agreement on notification dating from 1973;

10. Welcomes the Commission's intention in the near future to take a major initiative to bring about the mutual recognition of tests and certificates and thereby stop the costly duplication of tests which, in many cases, is still the rule rather than the exception. This would be an important step towards reducing the number of experiments on animals.

Organizations consulted:

UNICE

Transport and General Workers' Union

The Retail Consortium

Independent Television Companies' Association

BEUC

European Food Law Association

Consumers in the European Community Group

National Consumer Council

Belmont European Community Law Office



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