

European Communities

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 323/74

Report

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

on the proposals from the Commission of the European Communities to the Council for the elimination of technical barriers to trade

- with particular reference to the directives on harmonization of the laws of the Member States on:
 - the scales of charges for the testing of gas meters (Doc. 164/74);
 - radio interference caused by equipment operating at radio frequencies in the range 10 kHz to 18 GHz – high-frequency industrial, scientific and medical equipment and similar apparatus (Doc. 235/74);
 - road and rail transport tanks used as measuring containers (Doc. 189/74);
 - the reverse and the speedometer of motor vehicles (Doc. 227/74);
 - anchorages for motor-vehicle safety belts (Doc. 230/74);
 - statutory plates and inscriptions for motor vehicles and their trailers, and their location and method of fixing (Doc. 234/74).

Rapporteur: Mr K. MITTERDORFER

PE 38.551/fin.

By letters of 21 June, 3 July, 21 August and 2 September 1974 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposals from the Commission of the European Communities to the Council for directives on the approximation of the laws of the Member States relating to

- the scales of charges for the testing of gas meters (Doc. 164/74)
- radio interference caused by equipment operating at radio frequencies in the range 10 k Hz to 18 G Hz - high-frequency industrial scientific and medical equipment and similar apparatus (Doc. 235/74)
- road and rail transport tanks used as measuring containers (Doc. 189/74)
- the reverse and the speedometer of motor vehicles (Doc. 227/74)
- anchorages for motor-vehicle safety belts (Doc. 230/74)
- statutory plates and inscriptions for motor vehicles and their trailers and their location and method of fixing (Doc. 234/74)

The President of the European Parliament referred these proposals to the Committee on Economic and Monetary Affairs as the committee responsible and the Legal Affairs Committee for its opinion. Further, the Committee on Regional Policy and Transport was asked for its opinion on Doc. 189/74, Doc. 227/74, Doc. 230/74 and Doc. 234/74, and the Committee on Public Health and the Environment was asked for its opinion on Doc. 230/74 and Doc. 235/74.

The Committee on Economic and Monetary Affairs appointed its chairman rapporteur on Doc. 164/74 and Doc. 189/74 at its meeting of 6 September 1974, when it also decided on application of a rational procedure. In view of the nature of the later proposals, including the fact that they all concerned so-called 'technical implementation provisions', and in view of their common legal basis, the committee decided, at its meeting of 23 September 1974, on joint consideration of all the proposals.

At the meeting of 24 October 1974 Mr MITTERDORFER was appointed rapporteur and at its meeting of 25 October 1974 the committee unanimously adopted the motion for a resolution. It was decided that the explanatory statement should be presented orally.

The following were present: Mr Lange, chairman; Mr Notenboom, vice-chairman; Mr Mitterdorfer, rapporteur; Mr Artzinger, Mr Burgbacher, Mr Carpentier, Mr Cifarelli, Mr Cousté, Mr Flämig, Mr Van der Hek, Mr Hougardy, Mr Kater, Mr Leenhardt, Mr Brøndlund Nielsen and Mr Normanton.

The rapporteur will present the explanatory statement orally.

The opinions of the Legal Affairs Committee, the Committee on Public Health and the Environment and the Committee on Regional Policy and Transport are attached.

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The Committee on Economic and Monetary Affairs submits to the European Parliament the following motion for a resolution:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposals from the Commission of the European Communities to the Council for the elimination of technical barriers to trade

- with particular reference to the directives on the approximation of the laws of the Member States on:
 - the scales of charges for the testing of gas meters
 - radio interference caused by equipment operating at radio frequencies in the range 10 kHz to 18 GHz - high-frequency industrial, scientific and medical equipment and similar apparatus
 - road and rail transport tanks used as measuring containers
 - the reverse and the speedometer of motor vehicles
 - anchorages for motor-vehicle safety belts
 - statutory plates and inscriptions for motor vehicles and their trailers, and their location and method of fixing

The European Parliament,

- having regard to the proposals for directives submitted by the Commission of the European Communities to the Council¹,
 - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Docs. 164/74, 189/74, 227/74, 230/74, 234/74 and 235/74),
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Legal Affairs Committee, the Committee on Public Health and the Environment and the Committee on Regional Policy and Transport (Doc. 323/74),
1. Stresses that if further delays are to be avoided, the elimination of technical barriers to trade must be sought by means of a streamlined procedure, which at the same time allows effective intervention and control by the Community institutions;

¹ OJ No. C 74, 1.7.74, page 5
COM (74) 1181 final
OJ No. C 104, 13.9.74, page 5
OJ No. C 121, 11.10.74, page 31
COM (74) 1121 final
OJ No. C 113, 25.9.74, page 63

2. Therefore urges that action programmes for the elimination of technical barriers to trade be laid down in a legally binding form defining basic principles;
3. Looks to the Commission to systematically propose outline directives in accordance with Article 100 of the EEC Treaty for the individual sectors defined in such an action programme and to lay down on its own responsibility implementing provisions pursuant to Article 155 of the EEC Treaty;
4. Draws attention to the need, in eliminating technical barriers to trade, to apply within each individual sector similar harmonization procedure;
5. Urges that Member States be required to notify the Commission in good time of any measures which could be harmonized;
6. Expects all business organizations to refrain from taking measures which could result in the creation of trade barriers;
7. Approves the proposals for directives subject to these general reservations on procedure;
8. Instructs its President to forward this resolution and the text of the oral explanatory statement to the Council and Commission of the European Communities.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from the chairman of the committee to Mr LANGE, chairman of the Committee on Economic and Monetary Affairs

Luxembourg, 16 September 1974

Dear Mr Chairman,

At its meeting of 12 September 1974 the Legal Affairs Committee considered the proposal from the Commission of the European Communities to the Council (Doc. 164/74) for

- a directive on the approximation of the laws of the Member States relating to the scales of charges for the testing of gas meters

and concluded that the proposal presented no problems of a legal nature.

Yours sincerely,

(sgd.) Dr W. J. SCHUIJT

The following were present: Mr Schuijt, chairman; Mr Bermani, vice-chairman, Mr Berthoin (deputizing for Mr Pintat), Mr Broeksz, Mr Brugger, Mr D'Angelosante, Mr De Keersmaeker, Mr Delmotte (deputizing for Mr Albertsen), Mrs Iotti, Mr Lautenschlager, Lord Mansfield, Mr Outers, Mr Springorum, Sir Derek Walker-Smith and Mr Yeats

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from the chairman of the committee to Mr LANGE, chairman of the Committee on Economic and Monetary Affairs

Rome, 7 October 1974

Dear Mr Chairman,

Having been asked for its opinion on the proposal for a directive (Doc. 235/74) on the approximation of the laws of the Member States in respect of radio interference caused by equipment operating at radio frequencies in the range 10 kHz to 18GHz - high-frequency industrial, scientific and medical equipment and similar apparatus, the Legal Affairs Committee briefly studied this proposal at its meeting of 4 October 1974 and unanimously decided that it presented no problems of a legal nature.¹

It would, however, be advisable to make a minor amendment to Article 8 to the effect that Member States should notify the EEC not only of internal measures in force, but also of any measures they plan to introduce.

Yours sincerely,

(sgd.) Dr W. J. SCHUIJT

¹The following were present: Mr Schuijt, chairman; Mr Adams (deputizing for Mr Calewaert), Mr Albertsen, Mr Brewis, Mr Broeksz, Mr D'Angelosante, Mr De Keersmaeker, Mrs Iotti, Mr Laban (deputizing for Mr Caillavet), Mr Lautenschlager, Lord Mansfield, Mr Memmel, Mr Outers, Mr Rivierez, Mr Scelba, Mr Schmidt, Mr Schwörer, Mr Springorum, Mr Vernaschi and Mr Yeats.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from the chairman of the committee to Mr LANGE, chairman of the
Committee on Economic and Monetary Affairs

Luxembourg, 16 September 1974

Dear Mr Chairman,

At its meeting of 12 September 1974 the Legal Affairs Committee considered the proposal from the Commission of the European Communities to the Council (Doc. 189/74) for

- a directive on the approximation of the laws of the Member States concerning road and rail transport tanks used as measuring containers and concluded that the proposal presented no problems of a legal nature.

Yours sincerely,

(sgd.) Dr W. J. SCHUIJT

The following were present: Mr Schuijt, chairman; Mr Bermani, vice-chairman, Mr Berthoin (deputizing for Mr Pintat), Mr Broeksz, Mr Brugger, Mr D'Angelosante, Mr De Keersmaeker, Mr Delmotte (deputizing for Mr Albertsen), Mrs Iotti, Mr Lautenschlager, Lord Mansfield, Mr Outers, Mr Springorum, Sir Derek Walker-Smith and Mr Yeats.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from the chairman of the committee to Mr LANGE, chairman of the
Committee on Economic and Monetary Affairs

Luxembourg, 7 October 1974

Dear Mr Chairman,

The Legal Affairs Committee¹ examined the proposal from the Commission of the European Communities to the Council for a directive on the approximation of Member States' Laws on the reverse and the speedometer of motor vehicles (Doc. 227/74) at its meeting of 4 October 1974 and came to the following conclusions:

The proposal in question is mainly of a technical nature and does not present any problems of a juridical nature. Article 100 of the EEC Treaty is the correct basis for the proposed directive.

As a result of Articles II.4.2, II.4.3.5 and II.4.4. of the Annex to the proposal, the Legal Affairs Committee foresees difficulties for the Member States of Ireland and the United Kingdom, where road distances are measured in miles and not in kilometres. The proposed directive will compel these countries to accept imported vehicles which have speedometer dials graduated in kilometres per hour, with no reference to the equivalent mileage. Tests on the speedometers will have to be carried out on the basis of kilometres per hour. It would therefore be preferable to make provision for a speedometer to be graduated and tested in either miles or kilometres per hour, according to choice, or in both at the same time.

The problem referred to above is considered by the Legal Affairs Committee to be all the more important because the committee hopes to see the system of optional harmonization, under which the proposed directive appears, give way to one of total harmonization, so that provisions which apply at

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¹The following were present: Mr Schuijt, chairman; Mr Adams (deputizing for Mr Calewaert), Mr Albertsen, Mr Brewis, Mr Broeks, Mr D'Angelosante, Mr De Keersmaeker, Mrs Iotti, Mr Laban (deputizing for Mr Caillavet), Mr Lautenschlager, Lord Mansfield, Mr Memmel, Mr Outers, Mr Rivierez, Mr Scelba, Mr Schmidt, Mr Schwörer, Mr Springorum, Mr Vernaschi and Mr Yeats.

present only to intra-Community trade will become applicable also to the domestic market in Member States.

Subject to the above, the Legal Affairs Committee unanimously approved the proposal for a directive under consideration.

Yours sincerely,

(sgd.) Dr W. J. SCHUIJT

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from the chairman of the committee to Mr LANGE, chairman of the Committee on Economic and Monetary Affairs

Rome, 7 October 1974

Dear Mr Chairman,

Having been asked for its opinion on the proposal for a directive (Doc. 230/74) on the approximation of the laws of the Member States relating to anchorages for motor-vehicle safety belts, the Legal Affairs Committee briefly studied this proposal at its meeting of 4 October 1974 and unanimously decided that the proposal presented no problems of a legal nature.¹

It would, however, be advisable to draw the attention of the Commission, to the fact that reference should also be made in the proposal for a directive to three-wheeled motor vehicles, which, particularly in the United Kingdom, are still widely used.

Yours sincerely,

(sgd.) Dr. W.J. SCHUIJT

¹ The following were present: Mr Schuijt, chairman; Mr Adams (deputizing for Mr Calewaert), Mr Albertsen, Mr Brewis, Mr Broeks, Mr D'Angelosante, Mr De Keersmaecker, Mrs Iotti, Mr Laban (deputizing for Mr Caillavet), Mr Lautenschlager, Lord Mansfield, Mr Memmel, Mr Outers, Mr Rivierez, Mr Scelba, Mr Schmidt, Mr Schwörer, Mr Springorum, Mr Vernaschi and Mr Yeats.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from the chairman of the committee to Mr LANGE, chairman of the Committee on Economic and Monetary Affairs

Rome, 7 October 1974

Dear Mr Chairman,

Having been asked for its opinion on the proposal for a directive (Doc. 234/74) on the approximation of the laws of the Member States relating to statutory plates and inscriptions for motor vehicles and their trailers, and their location and method of fixing. The Legal Affairs Committee briefly studied this proposal at its meeting of 4 October 1974 and unanimously decided that the proposal presented no problems of a legal nature.¹

It would, however, be advisable to draw the attention of the Commission to the fact that reference should also be made in the proposal for a directive to three-wheeled motor vehicles, which, particularly in the United Kingdom, are still widely used.

Yours sincerely,

(sgd.) Dr. W.J. SCHUIJT

¹ The following were present: Mr Schuijt, chairman; Mr Adams (deputizing for Mr Calewaert), Mr Albertsen, Mr Brewis, Mr Broeksz, Mr D'Angelosante, Mr De Keersmaeker, Mrs Iotti, Mr Laban (deputizing for Mr Caillavet), Mr Lautenschlager, Lord Mansfield, Mr Memmel, Mr Outers, Mr Rivierez, Mr Scelba, Mr Schmidt, Mr Schwörer, Mr Springorum, Mr Vernaschi and Mr Yeats.

OPINION OF THE COMMITTEE ON PUBLIC HEALTH AND THE ENVIRONMENT

Letter from the chairman of the committee to Mr LANGE, chairman of the Committee on Economic and Monetary Affairs.

Luxembourg, 21 October 1974

Dear Mr Chairman,

At its meeting of 21 October 1974 the Committee on Public Health and the Environment¹ considered the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to anchorages for motor-vehicle safety belts (Doc. 230/74).

The aim of this proposal is, on the one hand, to standardize the requirements on the anchorage of safety belts in order to ensure the free movement of motor-vehicles and, on the other, to provide the users of these vehicles with the greatest safety and comfort possible.

The Committee on Public Health and Environment notes with satisfaction that this proposal constitutes the basis for Community measures to ensure that motor-vehicles are fitted with safety belts and that these measures will be accompanied by a proposal for a directive on head restraints.

The Committee on Public Health and the Environment has therefore no objections to this proposal but asks the Commission of the European Communities to take account of the following observations:

In view of the fact that the safety of the occupants of vehicles is of primary importance, the Committee on Public Health and the Environment sees no good reason why the proposed directive should apply only to anchorages for safety belts for adult occupants of forward-facing seats. It therefore urgently requests the Commission to extend as soon as possible the scope of application of the directive to lateral and backward-facing seats and to draw up, in special proposals for directives, provisions for safety belts for children's seats.

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¹The following were present: Mr Della Briotta, chairman; Mr Antoniozzi, Mr Berthoin (deputizing for Mr Müller), the Earl of Bessborough, Mrs Fenner, Mr Lautenschlager (deputizing for Mr Albertsen), Mr Noè, Mr Petersen, Mr Springorum and Mr Walkhoff.

In addition the Committee on Public Health and the Environment invites the Commission once again to submit as soon as possible a general report on work on the safety of the internal fittings of motor-vehicles.

Yours sincerely,

(sgd.) C. DELLA BRIOTTA

OPINION OF THE COMMITTEE ON REGIONAL POLICY AND TRANSPORT

Letter from the chairman of the committee to Mr LANGE, chairman of the Committee on Economic and Monetary Affairs

Strasbourg, 11 November 1974

Dear Mr Lange,

Documents 230/74, 189/74, 234/74 and 227/74

The Committee on Regional Policy and Transport were asked for an opinion on the following proposals from the Commission of the European Communities for directives on :

1. The approximation of the laws of the Member States relating to anchorages for motor vehicle safety belts (Doc. 230/74);
2. The approximation of the laws of the Member States concerning road and rail transport tanks used as measuring containers (Doc. 189/74);
3. The approximation of the laws of the Member States relating to statutory plates and inscriptions for motor vehicles and their trailers and their location and method of fixing (Doc. 234/74);
4. The approximation of the laws of the Member States on the reverse and the speedometer of motor vehicles (Doc. 227/74).

At their meeting in Rome on 2 October 1974 the committee instructed me to seek the agreement of the enlarged Bureau to their being made committee responsible for reporting on these directives, but at its meeting of 17 October the Bureau confirmed its decision that the Economic Committee should be responsible and the Committee on Regional Policy and Transport should prepare opinions. The Committee on Regional Policy and Transport at their meeting of 22 October appointed me draftsman for an opinion in the form of a letter on these four directives.

At their meeting of 5 November, the Committee¹ unanimously adopted the following opinion :

1. The four proposed directives which the Committee on Regional Policy and Transport have considered all fall within the category of 'optional' harmonization and are basically concerned with the elimination of technical obstacles to trade through the adjustment of legal provisions.

¹ Present: Mr James Hill, chairman; Mr Seefeld, vice-chairman; Mr Dykes, Mr Giraud, Mr Giraud (deputizing for Mr Antoniozzi), Mr Herbert, Lord Mansfield, Mr Marras, Mr Mursch and Mr Nyborg.

2. In the case, however, of one of the proposed directives, that relating to the approximation of the laws of the Member States relating to anchorages for motor vehicle safety belts (Doc. 230/74), the committee would point out that, as is stated in the Explanatory Memorandum, the directive is not only designed to 'ensure the free movement of goods in respect of motor vehicles' but it is also intended to 'provide the users of these vehicles with the greatest safety and comfort possible in the present state of the art'.
3. The Committee on Regional Policy and Transport, and the European Parliament, have consistently stated that where safety is concerned optional harmonization is not sufficient and that proposals for legislation concerning road safety should contain, where appropriate, provisions for future compulsory harmonization of standards to a Community level. It would seem to the committee that where the anchorage system of safety belts is concerned the safety issue is sufficient to warrant the introduction of a compulsory minimum standard. They recommend therefore that Article 6 of the proposed directive contained in Document 230/74 should be amended by the addition of a new paragraph 3 as follows :

'3. The Commission shall subsequently submit to the Council a further proposal for the adoption of a single Community system for all the Member States.'

Yours sincerely,

S. James A. Hill

Luxembourg
P.O.B. 1601