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Report

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

on the proposal from the Commission of the European Communities to the Council (Doc. 192/79) for a Directive on the approximation of the laws of the Member States relating to powered industrial trucks

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By letter of 19 June 1979 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 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 powered industrial trucks.

The President of the European Parliament referred this proposal to the Committee on Economic and Monetary Affairs as the committee responsible.

On 31 October 1979 the Committee on Economic and Monetary Affairs appointed Mr de FERRANTI rapporteur.

It considered this proposal at its meeting of 27 May 1980 and adopted the motion for a resolution by 12 votes to 2 with 3 abstentions.

Present: Mr Delors, Chairman; Mr de Ferranti, Vice-Chairman and rapporteur; Mr Deleau, Vice-Chairman; Mr Beazley (deputising for Mr Balfour), Mr Delorozoy, Mr I. Friedrich, Mr de Goede, Mr Herman, Mr Hopper, Mr Leonardi, Mr J. Moreau, Mr Purvis (deputising for Sir Peter Vanneck), Sir Brandon Rhys Williams, Mr Schnitker, Mr Spinelli (deputising for Mr Fernandez), Mr Visentini, Mr von Wogau.

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The Committee on Economic and Monetary Affairs hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on 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 powered industrial trucks

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council,¹
 - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 192/79),
 - having regard to the report of the Committee on Economic and Monetary Affairs (Doc. 1-224/80),
1. Is determined to take the necessary detailed interest in directives formulated under Article 100 to ensure that barriers to trade are removed in a way that:
 - (a) meets safety, environmental and consumer considerations;
 - (b) maintains the confidence of producers that a decision has been made which is in the best interests of all and not biased towards any particular interest;
 - (c) adds rather than detracts from the European industries competitive position in world markets;
 2. Recognises that only in rare instances will it be necessary to put in the substantial effort required to examine a directive in detail;
 3. Insists that all other directives which do not raise a political issue should be dealt with as speedily as possible by all Community institutions in view of the urgent need to make the common market in goods a reality;

¹ O.J. No. C 165 of 2.7.79, p.1

4. Having examined this directive in detail, strongly recommends to the Member States to ensure a minimum statutory training of drivers and believes that three amendments are necessary to meet the criteria stated in point 1 above.
 - (a) the requirement that the fuel tanks should be detachable from the machine should be deleted.
 - (b) the requirement that the pedal and control arrangements should be similar to those on a motor car should be replaced by a requirement that pedals and controls should be in accordance with ISO standard 3691 without modification in order to meet both the safety considerations and the criteria in point 1;
 - (c) the directive should be changed from an optional to a total directive in five years from its date of adoption;
5. Expresses strongly the view that the Council should adopt the directive relating to common provisions for lifting and mechanical handling appliances so that this and other important directives for the establishment of the common market can come into effect.
6. Requests the Commission to incorporate the following amendments in its proposal, pursuant to Article 149, paragraph 2, of the EEC Treaty:

Proposal for a directive on the approxima-
tion of the laws of the Member States
relating to powered industrial trucks

Preamble and Articles 1 to 3 unchanged

Article 4

No Member State may, on grounds relating to the requirements laid down in this Directive, refuse, prohibit or restrict the placing on the market and the entry into service of EEC trucks which meet the requirements laid down in Annex 1. Where such trucks are accompanied by a certificate of conformity and bear the mark of conformity referred to in Article 3 indicating that they comply with the requirements of this Directive, it shall be presumed that they so comply.

Article 4

1. No Member State may, on grounds relating to the requirements laid down in this Directive, refuse, prohibit or restrict the placing on the market and the entry into service of EEC trucks which meet the requirements laid down in Annex 1. Where such trucks are accompanied by a certificate of conformity and bear the mark of conformity referred to in Article 3 indicating that they comply with the requirements of this Directive, it shall be presumed that they so comply.

2. Five years after the notification of this directive the Member States shall ensure that only trucks meeting the requirements laid down in Annex 1 be placed on, and enter into service in the Community market.

Articles 5 and 6 unchanged

Article 7

1. Member States shall bring into force the laws, regulations and administrative provisions necessary in order to comply with this Directive within eighteen months after its notification. However, they shall bring into force the provisions necessary in order to comply with points 10.5.1.2. and 10.7.1.2.2. of Annex I on 1 January 1985. They shall forthwith inform the Commission thereof.

2. As soon as this Directive has been notified, Member States shall also ensure that the Commission is informed, in sufficient time for it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive.

Article 7

1. Member States shall bring into force the laws, regulations and administrative provisions necessary in order to comply with this Directive within eighteen months after its notification. However, five years after the date of notification of this directive, they shall bring into force the provisions necessary in order to comply with Article 4 (2).

unchanged

Article 8 unchanged

Annex 1 1 to 10.4 unchanged

10.5. Controls

10.5.1. Direction of travel con-
trols

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in accordance with ISO
Standard 3691 (points 8.1.
to 8.2.3.3., 8.3.1.a), b),
e) 8.3.1.1. to 8.4.3.2.)

(1) For complete text see O.J. No. C 165
of 2.7.79, p.1

10.5.1.1. Applicable up to and including 31.12.1984

deleted

in accordance with ISO Standard 3691 (points 8.1. to 8.2.3.3., 8.3.1. a), b), e) 8.3.1.1. to 8.4.3.2.

10.5.1.2. Applicable from 1.1.1985

deleted

in accordance with ISO Standard 3691, points 8.1. to 8.2.3.3., 8.3.1. a), b), e), 8.3.1.1. to 8.4.3.2. with the following modifications:

8.4.1.1. Pedals

Accelerator and service brake pedals and clutch pedals when fitted to sit-on trucks shall be arranged in accordance with automotive rules and practice as shown in Figure 25 (the paragraph which follows is deleted).

8.4.1.2. Gear-change lever

The positions for gear engagement shall be clearly indicated

8.4.1.3. Direction-change lever

It shall be obligatory to operate the direction-change levers by hand. The direction-change levers shall be arranged in such a way that their operation corresponds to the required direction of travel.

8.4.1.4. Safety control and brakes - sit-on electric-powered trucks

- the first two paragraphs have been retained;
- the last three paragraphs have been replaced by:

The accelerator shall be operated by the right foot and shall increase travel speed when depressed. The service brakes shall be operated by the right foot and shall be applied by depressing the pedal.

8.4.1.5. Safety control and brakes - sit-on internal combustion engine powered trucks

- the first clause of the first paragraph is retained;
- the second clause of the first paragraph is replaced by:

The accelerator shall be operated by the right foot and shall increase travel speed when depressed.

The two following paragraphs are replaced by:

The service brakes shall always be operated by the right foot and shall be applied by depressing the pedal. If a clutch is fitted, declutching shall be carried out by pressing on the pedal with the left foot. This pedal may also operate the brakes. In the latter case, one large pedal may be utilised to carry out both operations provided its surface area is approximately equal to the total surface area of the brake and clutch pedal shown in Figure 25. Declutching shall be effected by the initial depressing movement of the pedal, the final movement shall apply the brakes.

10.5.2. to 10.7.1.1.2. unchanged

10.7.1.2. Fuel tanks

If a tank is within or contiguous to the engine compartment, the tank and/or filling arrangement shall be isolated from the electrical and exhaust systems by a separate enclosure or by baffles. The tank location and facilities for filling shall be such that spillage or leakage will drain to the ground and not into the engine or operator's compartment or on to electrical or exhaust system parts. Fuel spillage shall not be possible under operating conditions.

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The fuel tank and fill fittings shall be so located and their design such as to minimise the possibility of damage and ease the thorough cleansing of the tank prior to repairs being carried out.

10.7.1.2.1. Applicable up to and including 31.12.1984

The fuel tank and fill fittings shall be so located as to minimise the possibility of damage to the tank and its fittings.

deleted

10.7.1.2.2. Applicable from 1.1.1985

The fuel tank shall be removable. The fuel tank and fill fittings shall be so located as to minimise the possibility of damage to the tank and its fittings.

deleted

10.7.1.3. to 12 unchanged

B

EXPLANATORY STATEMENT

1. Fork lift trucks can cause extremely unpleasant accidents. There are around 25,000 accidents a year resulting in three days off work and about 100 fatalities a year in the EEC.

The overriding cause of accidents is lack of training of the operators. All Member States give attention to this but the Community directive is an opportunity for further tightening up of the requirements. Whilst the whole object of the technical requirements in Annex 1 is to increase safety, the directive is imbalanced without due regard to training.

2. The detailed technical discussion on pedals and controls bore in mind the criteria of para. 1 and details must be summarised for a decision to be made.

If the pedals are laid out with the same arrangement as a motor car, it is claimed that safety is increased because the operators, accustomed to car driving, will instinctively react, especially when under pressure, in the correct way. Conversely after operating a lifting appliance all day, an operator will drive his motor car home more safely.

It is claimed by others though that lifting appliances are not vehicles but lifting machines, and the circumstances under which they operate mean that the operator's instincts cannot be analogously evoked. The statistical evidence does not disprove this view. With approximately 140 fatalities over the last seven years in France, there is only one case quoted where it has been claimed that the pedal layout contributed to the driver's error.

It is operator training that matters and no design of control layout is safe unless the operator is properly trained.

Operators change the direction of trucks from forward to reverse and vice versa approximately hundreds of times more frequently than in a motor car. One type of control, which would not be permitted under total harmonisation, is especially designed to reflect this fact. The right foot rests on a rocker arm slightly tilted for comfort towards the operator. If the toe is depressed the machine goes forward. If the heel is depressed the machine goes in reverse. If the whole arm is pushed sharply straight down, a brake is applied; the left foot operates the brakes in the normal way. There is no evidence that shows that this design is more or less safe than any other. It does however offer important advantages in productivity which reflect in advantages to the consumers of Europe as a whole and to sales prospects in world markets, in that, like the two pedal designs as well, it leaves the hands free to operate the steering and load handling controls.

This illustrates the special operating characteristics of mobile lifting devices, all of which have been recognised by ISO standard 3691. There are hundreds of different types of trucks (for instance, where the driver faces at right angles to the forward and reverse directions), meeting hundreds of specialised applications and the directive as it stands is intolerably restrictive.

3. The detailed discussion on the detachable fuel tanks revealed that there was no evidence of any kind to support the desirability or otherwise of tanks being removable.

Some claimed that only if the tank was removable could it be safely cleaned out prior to repairs.

Others claimed the reverse in that integral tanks could have a bigger filler hole. Some claimed that integral tanks were stronger and less liable to damage in an accident and that a tank could be theoretically detachable if it was under the engine but could in practise be dangerous because nobody would bother to remove it and it would be inaccessible for cleaning out.

The motion for a resolution puts forward a common sense wording which should be acceptable.

4. The most difficult and the most important of all the arguments relates to whether the directive should require total or optional harmonisation.

The draft directive is of the optional type which means that machines conforming to the directive could be freely marketed within the EEC but those manufactured in one Member State could not be sold in another, unless they conformed to the directive or to the particular requirement of that Member State.

Total harmonisation therefore is clearly the best for achieving the common market.

Attitudes and the special customs and perceptions of each industry take a long time to change and should be respected. The draft resolution therefore proposes that the directive should be optional for the first five years.

