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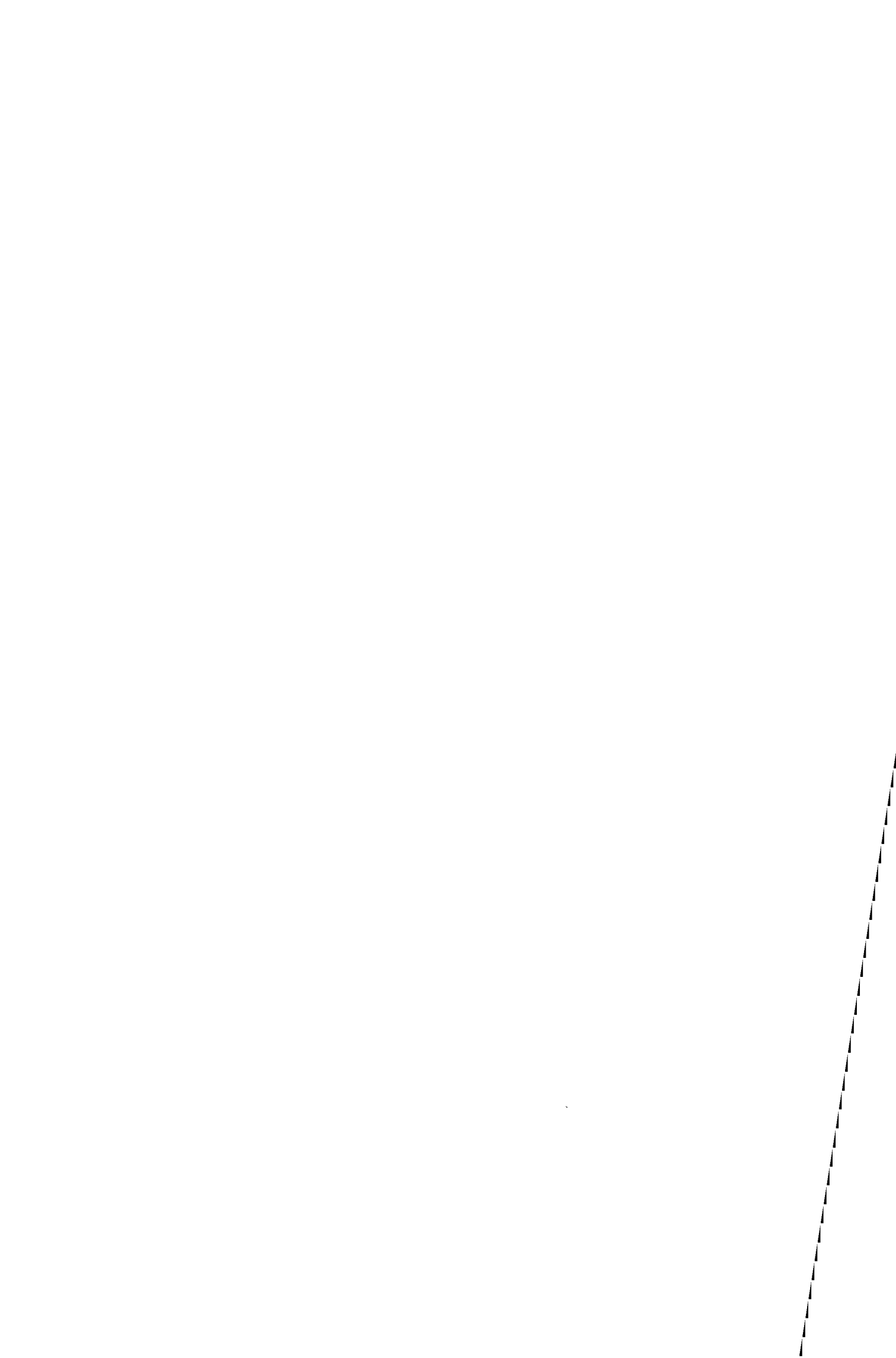
DOCUMENT 517/74

Report

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

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

- in particular, proposals for directives on the approximation of laws of the Member States relating to:
 - safety belts and restraint systems and head restraints of seats of motor vehicles (Doc. 464/74) ;
 - headlights for motor vehicles emitting an asymmetrical passing beam or a driving beam or both, and to incandescent electric lamps for such headlights (Doc. 452/74);
 - side lights, rear lights and stop lights for motor vehicles and their trailers (Doc. 457/74);
 - the rear registration-plate illuminating device of motor vehicles and their trailers (Doc. 450/74);
 - towing hooks on motor vehicles (Doc. 462/74);
 - the roll-over protection structures of wheeled agricultural or forestry tractors (Doc. 456/74);
 - the type-approval of motorcycles (Doc. 463/74);
 - alcoholometers and hydrometers for alcohol and alcohol tables (Doc. 406/74);
 - electromedical equipment and medical X-ray equipment operating at 10 to 400 kV (Doc. 453/74);
 - common provisions for constructional plant and equipment; the measurement of the sound level of constructional plant and equipment; the permissible sound level for pneumatic concrete-breakers and jackhammers (Doc. 454/74);
 - appliances using gaseous fuels, safety and control devices for these appliances and methods for inspecting these appliances and appliances using gaseous fuels for the instantaneous production of hot water for sanitary purposes (Doc. 459/74).



By letters of 9 December 1974, 24 January and 3 February 1975 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver opinions on the proposals from the Commission of the European Communities to the Council for directives on the approximation of laws of the Member States relating to:

- safety belts and restraint systems and head restraints of seats of motor vehicles (Doc. 464/74);
- headlights for motor vehicles emitting an asymmetrical passing beam or a driving beam or both, and to incandescent electric lamps for such headlights (Doc. 452/74);
- side lights, rear lights and stop lights for motor vehicles and their trailers (Doc. 457/74);
- the rear registration-plate illuminating device of motor vehicles and their trailers (Doc. 450/74);
- towing hooks on motor vehicles (Doc. 462/74);
- the roll-over protection structures of wheeled agricultural or forestry tractors (Doc. 456/74);
- the type-approval of motorcycles (Doc. 463/74);
- alcoholometers and hydrometers for alcohol and alcohol tables (Doc. 406/74);
- electromedical equipment and medical X-ray equipment operating at 10 to 400 kV (Doc. 453/74);
- common provisions for constructional plant and equipment; the measurement of the sound level of constructional plant and equipment; the permissible sound level for pneumatic concrete-breakers and jackhammers (Doc. 454/74);
- appliances using gaseous fuels, safety and control devices for these appliances and methods for inspecting these appliances and appliances using gaseous fuels for the instantaneous production of hot water for sanitary purposes (Doc. 459/74).

The President of the European Parliament referred these proposals to the Committee on Economic and Monetary Affairs as the committee responsible and to the Legal Affairs Committee for its opinion. Docs. 464/74, 452/74, 457/74, 450/74, 462/74, 456/74 and 463/74 were also referred to the Committee on Regional Policy and Transport and Docs. 453/74, 454/74 and 459/74 to the Committee on Public Health and the Environment.

The Committee on Economic and Monetary Affairs appointed Mr MITTERDORFER rapporteur at its meeting of 8 January 1975 and decided to discuss the proposals together and deal with them by the procedure without debate. At its meeting of 27 February 1975 the committee unanimously adopted the motion for a resolution and explanatory statement.

Present: Mr Lange, chairman; Mr Notenboom and Sir Brandon Rhys Williams, vice-chairmen; Mr Mitterdorfer, rapporteur; Mr Artzinger, Mr Bersani, Mr Burgbacher, Mr de Broglie, Mr Guldberg (deputizing for Mr Brøndlund Nielsen), Mr Normanton, Mr Petersen (deputizing for Mr Achenbach), Mr Scholten and Mr Starke.

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 hereby submits to the European Parliament the following motion for resolution together with explanatory statement:

MOTION FOR A RESOLUTION

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

- in particular, the proposals for directives on the approximation of the laws of the Member States relating to:
 - safety belts and restraint systems and head restraints of seats of motor vehicles,
 - headlights for motor vehicles emitting an asymmetrical passing beam or a driving beam or both, and to incandescent electric lamps for such headlights,
 - side lights, rear lights and stop lights for motor vehicles and their trailers,
 - the rear registration plate illuminating device of motor vehicles and their trailers,
 - towing hooks on motor vehicles,
 - the roll-over protection structures of wheeled agricultural or forestry tractors,
 - the type-approval of motor cycles,
 - alcoholometers and hydrometers for alcohol and alcohol tables,
 - electromedical equipment and medical X-ray equipment operating at 10 to 400 kV,
 - common provisions for constructional plant and equipment; the measurement of the sound level of constructional plant and equipment; the permissible sound level for pneumatic concrete-breakers and jackhammers,
 - appliances using gaseous fuels, safety and control devices for these appliances and methods for inspecting these appliances and to appliances using gaseous fuels for the instantaneous production of hot water for sanitary purposes.

The European Parliament

- having regard to the proposals from the Commission of the European Communities to the Council,
- having been consulted by the Council pursuant to Article 100 of the EEC Treaty,
- having regard to its resolution on the elimination of technical barriers to trade of 14 December 1974¹,

¹ See OJ No. C 5, 8 January 1975

- having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Legal Affairs Committee, the Committee on Regional Policy and Transport and the Committee on Public Health and the Environment (Doc. 517/74),

1. Notes that in order to prevent further delays in the elimination of technical obstacles to trade, a more flexible procedure should be adopted which will also make provision for effective intervention and supervision by the Community institutions;
2. Refers to the principles enunciated in its previous resolution¹;
3. Requests the Commission to incorporate in its proposals the following amendments, pursuant to the second paragraph of Article 149 of the Treaty establishing the EEC, this being a condition of its approval of the Commission's proposals;
4. Instructs its President to forward this resolution and the report of its committee to the Council and the Commission of the European Communities.

¹See OJ No. C 5, 8 January 1975

1. Motor vehicles

Proposals from the Commission of the European Communities to the Council for

- I. a directive on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles
- II. a directive on the approximation of the laws of the Member States relating to head restraints of seats of motor vehicles

Article 12

- | | |
|---|--|
| 1. The Member States shall adopt and publish the provisions needed in order to comply with this Directive before 1 April 1976 and shall forthwith inform the Commission thereof. They shall apply these provisions from 1 July 1976. | 1. unchanged |
| 2. As soon as this Directive has been notified, the Member States shall take care to inform the Commission, in sufficient time to enable it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by the Directive. | 2. unchanged |
| | 3. (new) The Commission shall submit to the Council, at a later date, a new proposal with a view to the adoption of a single system in all the Member States |

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 the roll-over protection structures of wheeled agricultural or forestry tractors

Article 6

- | | |
|--|--|
| 1. The Member States shall adopt and publish the provisions needed in order to comply with this Directive before 1 June 1976 and shall forthwith inform the Commission thereof.

They shall apply these provisions from 1 January 1977. | 1. unchanged |
| 2. As soon as this directive has been notified, the Member States shall inform the Commission, in sufficient time to enable it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by the Directive. | 2. unchanged |
| | 3. (new) The Commission shall submit to the Council, at a later date, a new proposal with a view to the adoption of a single system in all the Member States |

II. Plant and equipment

Proposal from the Commission of the European Communities to the Council for a directive on the harmonization of the laws of the Member States concerning alcoholometers and hydrometers for alcohol and alcohol tables

Article 5

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| 1. Member States shall put into force the provisions laid down by law, regulation and administrative action which are necessary to comply with this Directive within eighteen months of its notification and shall forthwith inform the Commission thereof. | 1. unchanged |
| 2. Member States shall ensure that the Commission is informed of the texts of the main provisions of national law which they adopt in the field covered by this Directive. | 2. Member States shall ensure that the Commission is informed of the texts of the main provisions of national law which they adopt <u>or intend to adopt</u> in the field covered by this Directive. |

Annex I

ALCOHOL PROPORTION

3. Determination of the proportion of alcohol

- | | |
|---|---|
| 3. The procedures to be carried out to determine the proportion of alcohol are:

- the reading of an alcoholometer or hydrometer for alcohol, or the weighing of a pycnometer, at the temperature of the mixture;

- the measurement of the temperature of the mixture. | 3. The procedures to be carried out to determine the proportion of alcohol are:

- the reading of an alcoholometer or hydrometer for alcohol, or the weighing of a pycnometer, at the temperature of the mixture;

- the measurement of the temperature of the mixture. |
|---|---|

The results are obtained from the international alcohol tables.

The results are obtained from the international alcohol tables published by the International Organization of Legal Metrology.

EXPLANATORY STATEMENTINTRODUCTION

1. The 11 proposals for directives to which this report relates reflect the desire of the Commission to have the time limits laid down in the second general programme on the elimination of technical barriers to trade¹ observed.

Technical barriers to trade cause considerable delay in the effective implementation of the free movement of goods. The progress the Commission has made in this area is therefore welcome.

Nevertheless, there is a long way to go before the ideal objective of total elimination of technical barriers is achieved. A previous report² stressed in this connection the need to implement a new, more flexible, more efficient and speedier procedure for the elimination of technical barriers.

It therefore seemed appropriate, for the purposes of this report, to group together the series of different proposals for directives under three headings:

- motor vehicles,
- plant and equipment,
- industrial products.

¹See OJ No. C 76, 17 June 1969, OJ No. C 38, 5 June 1973 and OJ No. C 117, 31 December 1973

²See OJ No. C 5, 8 January 1975

I. MOTOR VEHICLES

2. These five proposals for directives are a substantial addition to the work already undertaken by the Commission on the improvement of what is generally called 'passive security' of passengers in motor vehicles. Nevertheless, the following comments are felt to be relevant:

Specific comments

- Internal installations

Proposals for directives on the approximation of the laws of the Member States relating to safety belts, restraint systems, and head restraints of seats of motor vehicles (Doc. 464/74).

3. The first proposal for a directive lays down the technical specifications for the manufacture, inspection and compulsory installation of safety belts, i.e. in front seats, a three point safety belt, the system which gives the greatest safety; in rear seats, a lap belt and in side seats a belt equipped with a retractor mechanism.

It is unfortunate that the proposal for a directive contains no provisions for seats facing backwards or for children's seats¹.

With these additions, these provisions as a whole would undoubtedly put the Community well ahead of all existing national provisions in this field.

4. As regards head restraints, the Commission felt that it was not possible, in view of present circumstances, to introduce regulations on compulsory installation in all vehicles immediately. The proposal nevertheless contains a number of provisions intended to prevent the marketing of ineffective or dangerous head restraints by manufacturers of accessories.

- Motor vehicle lighting

5. These three proposals for directives concern only² technical requirements for the construction and testing of main-beam or dipped-beam headlights (Doc. 452/74), side-lights, rear-lights and stop lights (Doc. 457/74) and the rear registration-plate illuminating device (Doc. 450/74) of motor vehicles and their trailers. These proposals require no supplementary comment; their basic objective is to facilitate trade beyond Community frontiers by conforming to existing international specifications, in particular those of the United Nations Economic Commission for Europe.

¹See: Opinion of the Committee on Public Health and the Environment, p. 13 (MITTERDORFER report, Doc. 323/74)

²The specifications for fitting these devices are contained in another proposal for a directive (COM(73) 2024)

- Towing hooks on motor vehicles (Doc. 462/74)

6. The objective of this proposal is to make compulsory the fitting of a satisfactory device for the attachment of a towing bar or cable to the front of vehicles. Where such a device is absent at the front, the towing of vehicles is delayed and their safety may be impaired, since an improvised fitting can damage the steering mechanism.

It is unfortunate that the fitting of a rear towing device has not been made compulsory. Despite the objections to such a device, (the low engine power of many vehicles, fitting difficulties) it is probable that many tows will continue to be given by private persons (where no break-down services are available or because of the cost of such services) and this is especially dangerous to road safety without the correct device.

General comments

7. With regard to all five proposals:

- As on previous occasions¹, no reference is made to three-wheeled vehicles, which are still quite widely used in the United Kingdom.
- There is an unfortunate contradiction between the high standard of research into safety technology and the choice of an optional type of harmonization, which will lead to little progress, instead of total harmonization. The Committee on Regional Policy and Transport also feels that, where safety is concerned, optional harmonization alone is insufficient; it would like to see a system of total harmonization introduced at some time in the future.

- Tractors (Doc. 456/74)

8. This proposal for a directive extends the directive on Community type-approval (74/150 EEC of 4.3.1974) on roll-over protection structures. This proposal requires the installation of a cabin or safety frame on tractors. The Commission regards this proposal as a transitional measure, pending the outcome of new test procedures determined by the second standard OECD test code. Even at this stage, the proposal for a directive is useful because it enables provision to be made for improved tractor safety, and the requirements of trade liberalization, in a field where the expansion of international trade is particularly intense, to be met. The Committee on Regional Policy and Transport feels, however, that, for safety reasons, total harmonization would be preferable.

- Nor do certain specific uses of tractors (orchards, vineyards) seem unsurmountable obstacles of total harmonization.

¹ See MITTERDORFER report (Doc. 323/74) and more particularly, the opinion of the Legal Affairs Committee, p. 12.

- Motor Cycles (Doc. 463/74)

9. This outline directive basically defines the category of vehicles considered and the procedure for EEC type-approval. It would call for no further comment if Article 9 did not contain a safeguard clause covering unforeseen difficulties, an unusual provision in respect of motor vehicles and one which is liable to impede the free movement of motor cycles and throw doubt on the real usefulness of the provisions. The adoption of total harmonization would have been desirable here also.

II. PLANT AND EQUIPMENT

- Alcoholometers and hydrometers for alcohol (Doc. 406/74)

10. The objective of this proposal is the harmonization of provisions laid down by law, regulation or administrative action concerning the definition of the proportion of alcohol in mixtures of water and alcohol and the design and procedures for the approval and testing of alcoholometers and hydrometers for alcohol which are used to measure these proportions. It is based on the methods developed by the International Organization of Legal Metrology (IOIM). It is therefore not a protectionist measure but one which will facilitate the free movement of alcoholic liquids by eliminating disputes on the alcoholic content.

The Legal Affairs Committee hopes that it will be possible to proceed rapidly to general harmonization in this area.

- Electrical equipment (Doc. 453/74)

11. The first proposal for a directive relates to various electrical apparatus used in medicine, which can be covered, in regard to the various safety aspects, by general safety requirements.

The second proposal relates to medical X-ray equipment, which involves greater dangers and in respect of which the directive makes provision for a type-approval procedure.

- Constructional plant and equipment (Doc. 454/74)

12. The outline directive gives details of the procedure for EEC type-approval of constructional plant and equipment.

The first special directive relates to the need for a single method of measuring sound levels and proposes a general method of doing so. This will facilitate international trade in constructional plant and equipment, which is much greater than Community trade.

The second directive relates to the permissible sound level for pneumatic concrete-breakers and jackhammers.

The optimal type of harmonization laid down, with phased reduction of permissible sound levels in the case of concrete-breakers and jackhammers, (Art. 2) hardly seems compatible with the dangers to health and the serious effects on the environment caused by this kind of equipment.

III. INDUSTRIAL PRODUCTS

- Non-electric heating equipment (Doc. 459/74)

13. The outline directive contains general specifications and safety and control requirements for appliances using gaseous fuels.

The special directive relates to appliances for the instantaneous production of hot water; it defines four kinds of appliances and is intended to facilitate the distribution of appliances which can be adapted to the different types of gas in use, different pressure levels, and tubing sizes. The directive also relates to harmonization of safety aspects, at the same time laying down acceptable efficiency levels in the context of the present concern for energy economy.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

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

Luxembourg, 5 March 1975

Dear Sir,

At its meeting of 4 March 1975 the Legal Affairs Committee examined a number of proposals from the Commission of the European Communities for directives on the harmonization of the laws of the Member States relating to various technical subjects, particularly motor vehicles. The committee adopted these proposals unanimously at its meeting of 5 March 1975.¹

The Legal Affairs Committee has no comments on the purely technical parts of these proposals but has a number of observations to make on their more general aspects. They aim to eliminate technical barriers to trade.

Dealing first with those proposals which relate to motor vehicles, the Committee notes that Article 100 of the EEC Treaty is the correct legal basis for them all. Regrettably, none mentions three-wheeled vehicles.

Referring to the proposals individually, the committee notes that:

1. Doc. 463/74 (type-approval of motorcycles)

This proposal is for a general directive to establish the type-approval procedure for motorcycles and will be followed by various special directives. It is due to be adopted by the Council before 1 January 1976.²

2. A number of the proposals for directives are in application of the general directive of 6 February 1970³ concerning the harmonization of the legislation of Member States relating to type-approval of motor vehicles and their trailers. They are contained in the documents listed below.

The committee has no comments to make on

(i) Doc. 450/74 (rear registration-plate illuminating devices for motor vehicles and trailers)

¹ Present: Mr Schuijt, chairman; Mr Jozeau-Marigné and Mr Bernani, vice-chairmen; Mr Bayerl, Mr Brugger, Mr D'Angelosante Mr Geurtsen, Mr Rivierez, Mr Santer and Mr Vernaschi

² OJ No. C 117, 31 December 1973

³ OJ No. L 42, 23 February 1970, p. 1

- (ii) Doc. 452/74 (headlights of motor vehicles emitting an asymmetrical passing beam or a driving beam or both, and incandescent electric lamps for such headlights)
- (iii) Doc. 457/74 (side lights, rear lights and stop lights for motor vehicles and their trailers)
- (iv) Doc. 462/74 (towing hooks on motor vehicles)
- (v) Doc. 464/74 (safety belts and restraint systems for motor vehicles; head restraints of seats of motor vehicles)

This document contains two separate proposals for directives, both included in the Council decision of 17 December 1973 on industrial policy,¹ which stated that the Council would adopt these directives before 1 January 1976.

- 3. Doc. 456/74 (roll-over protection structures of wheeled-agricultural or forestry tractors)

This proposed directive is in application of the general Council directive of 4 March 1974² on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors and replaces an earlier proposal of 23 July 1968³, overtaken by technical progress.

4. The remaining proposals deal with various unconnected topics but with one exception are all proposals due to be adopted by the Council before 1 January 1976¹. Article 100 of the EEC Treaty is the correct legal basis for them.

- 5. Doc. 453/74 (electromedical equipment and medical X-ray equipment operating at 10 to 400 kV)

This document contains two proposals for directives, dealing with different types of equipment.

Article 3 of both proposals reads: 'Every Member State shall ensure that medical expenses incurred in connection with the use of equipment complying with the prescriptions of this Directive qualify for reimbursement ...'

As it is clear from the Explanatory Memorandum that the purchase price of such equipment is also intended to qualify for reimbursement in the same way, the Legal Affairs Committee considers that, for the avoidance of

¹OJ No. C 117, 31 December 1973

²OJ No. L 84, 28 March 1974

³OJ No. C 125, 28 November 1968

doubt, the words 'the purchase price of and' should be inserted before the words 'medical expenses'.

Article 8 of the first proposal for a directive states that the models of the marks and certificates of conformity referred to in Article 2(1) shall be published for information in the Official Journal of the European Communities. Article 2(1) provides that the marks are to be affixed to the equipment and the certificates are to be issued by the manufacturer but the proposal does not specify who shall determine the form of the marks and certificates. If, as would seem to be implied, the manufacturer is to do so, this will surely lead to an undesirable diversity which, despite the provisions of Article 8, it would be preferable to avoid.

Article 5(3) of the second proposal for a directive provides that EEC type-approval may be withdrawn upon a finding that the type-approval certificate should not have been issued. The Legal Affairs Committee thinks that, in order to avoid arbitrary decisions, the possible grounds for such a decision should at least be indicated, if not specified.

6. Doc. 454/74 (constructional plant and equipment; measurement of the sound level; permissible sound level for pneumatic concrete breakers and jackhammers)

This document contains three separate proposals for directives, the first being an outline one and the next two being special ones in application of it. The third proposal is the exception referred to above in paragraph 4.

7. Doc. 459/74 (appliances using gaseous fuels, safety and control devices for these appliances and methods for inspecting them; appliances using gaseous fuel for the instantaneous production of hot water for sanitary purposes)

This document contains two separate proposals for a directive, the first being an outline one and the second a special one in application of it.

8. All the proposals save those in Doc. 459/74 contain the provision that the Member States must notify the Commission of all draft laws, regulations and administrative provisions which they intend to adopt in the field covered by the directive. The proposals in Doc. 459/74 contain this requirement in respect of the provisions of national law which are adopted by Member States. The Legal Affairs Committee's view is that in all cases provisions which the Member States either intend to adopt or adopt should be notified. The relevant Articles of the various proposals for a directive should therefore be amended accordingly.

9. The Legal Affairs Committee urges the Commission and the Council to speed up the work on harmonization of Member States' legislation with a view to removing technical barriers to trade within the Community.

10. The Legal Affairs Committee hopes that the texts of these proposals, in all the languages, will be subjected to a thorough linguistic review by the Commission, as numerous discrepancies have been noted.

Subject to what is said above, the Legal Affairs Committee unanimously approves the proposals for directives under consideration.

Yours faithfully,

Dr. W. J. Schuijt

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from Mr Schuijt, chairman of the Legal Affairs Committee,
to Mr Lange, chairman of the Committee on Economic and Monetary Affairs

Luxembourg, 29 January 1975

Dear Sir,

The Legal Affairs Committee examined the proposal from the Commission of the European Communities to the Council for a directive on the harmonization of the laws of the Member States concerning alcoholometers and hydrometers for alcohol and alcohol tables (Doc. 406/74) at its meeting of 23 January 1975.

The proposed directive is one in application of the general directive of 26 July 1971¹ concerning the harmonization of the legislation of Member States relating to provisions common to measuring instruments and methods of metrological control. It is included in the Council Resolution of 17 December 1973² on industrial policy, as a proposal for a directive to be adopted by the Council before 1 January 1976.

Article 100 of the EEC Treaty is the correct legal basis for the proposal, which deals mainly with matters of a technical nature. The Legal Affairs Committee wishes only to make the following observations:

(1) For the sake of greater clarity in the text it would be desirable in Annex I, 3 to add after "the international alcohol tables" the words, "published by the International Organisation of Legal Metrology." This phrase already appears in Annex II, 1.2.

(2) In Article 5(2) it should be provided, in order that the Commission is kept fully informed at all stages and has an opportunity to comment on draft legislation, that "Member States shall ensure that the Commission is informed of the main provisions of national law which they adopt or intend to adopt in the field covered by this Directive.'

¹ OJ No. L 202/1 of the 6.9.1971

² OJ No. C 117 of the 31.12.1973

(3) It is hoped that it will soon prove possible to specify the date by which national provisions in this field will be entirely replaced by Community ones, so that the latter will apply to the domestic market in Member States, as well as to intra-Community trade, thus realising total harmonization.

Subject to what is said above, the Legal Affairs Committee¹ unanimously approved the proposal for a directive under consideration.

Yours faithfully,

W.J. SCHUIJT

¹ The following were present: Mr Schuijt, Chairman; Mr Jozeau-Marigné, vice-chairman; Mr Brewis, Mr Concas, Mr Geurtsen, Mr Lautenschlager, Mr Outers, Mr Santer, Mr Scholten (deputizing for Mr Brugger), Sir Derek Walker-Smith and Mr Yeats.

OPINION OF THE COMMITTEE ON REGIONAL POLICY AND TRANSPORT

Letter from Mr Hill, chairman of the Committee on Regional Policy and Transport, to Mr Lange, chairman of the Committee on Economic and Monetary Affairs

Brussels, 11 February 1975

Dear Mr Lange,

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

- side lights, rear lights and stop lights (Doc. 457/74)
- rear registration-plate illuminating device (Doc. 450/74)
- headlights (Doc. 452/74)
- towing hooks (Doc. 462/74)
- safety belts and head rests (Doc. 464/74)
- type-approval of motorcycles (Doc. 463/74)
- roll-over protection structures of tractors (Doc. 456/74)

At its meeting of 11 February the committee unanimously adopted the following opinion:¹

1. The seven proposed directives which the Committee on Regional Policy and Transport has 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.
2. In the case, however, of two of the proposed directives, that relating to safety belts and head rests (Doc. 464/74) and that relating to roll-over protection structures of tractors (Doc. 456/74), the committee would point out that both these directives are concerned at least as much with safety as with the free movement of goods.

¹Present: Mr Hill, chairman; Mr Seefeld, vice-chairman; Mr Albers, Mr Delmotte, Mr Fabbrini, Lord Mansfield, Mr Mursch, Mr Nyborg, Mr Pêtre and Mr Schwabe

3. The Committee on Regional Policy and Transport takes this opportunity to re-affirm the view which it has constantly expressed that where matters of safety are concerned, optional harmonization, although desirable in itself, is not sufficient and that proposals for legislation concerning road safety should contain, where appropriate, provisions for future harmonization of standards to a Community level. The committee would therefore suggest that Article 12 of the proposed directive on safety belts and head rests and Article 6 of the proposed directive on roll-over protection structures of tractors should be amended by the addition in each case 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

OPINION OF THE COMMITTEE ON
PUBLIC HEALTH AND THE ENVIRONMENT

On 4 February 1975, the Committee on Public Health and the Environment appointed Mr Didier draftsman (Doc. 453/74).

At the same meeting it considered the draft opinion and adopted it unanimously.

The following were present: Mr Della Briotta, chairman; Mr Jakobsen, vice-chairman; Mr Didier, draftsman; Mr Albertsen, Lord Bessborough, Mr Delmotte (deputizing for Mr Walkhoff), Mrs Fenner, Mr Martens, Mr Noè and Mr Petersen.

1. These proposals for directives are presented within the framework of the General Programme for the Elimination of technical barriers to trade resulting from disparities between national legislation of 28 May 1969. The Committee on Public Health and the Environment delivered an opinion on this programme for the Legal Affairs Committee in September 1968.
2. In 1973 the Council adopted a general directive relating to electrical equipment for use within certain voltage limits. Annex II of this directive listed the equipment and phenomena outside its scope. Electrical equipment for radiology and medical purposes figured on this list and the two directives under consideration comply with the Commission's decision to deal with this sector in 1975.
3. The Committee on Public Health and the Environment approves the Commission's decision to use the 'optional' harmonization solution in this case.
4. Your committee also approves the decision to refer to the general safety requirements prepared by the International Electrotechnical Commission (IEC), or in the case where this text should prove inaccurate to refer to a harmonised European standard of the European Committee for Electrotechnical Standardization (CENELEC).
5. Finally, your committee is of the opinion that these directives do not pose any particular problems from a public health point of view, and therefore gives them its unreserved approval.

OPINION OF THE COMMITTEE ON
PUBLIC HEALTH AND THE ENVIRONMENT

Letter from Mr Della Briotta, chairman of the Committee on Public Health and the Environment, to Mr Lange, chairman of the Committee on Economic and Monetary Affairs

Brussels, 4 February 1975

Dear Mr Chairman,

At its meeting of 4 February 1975, the Committee on Public Health and the Environment considered the proposals for Council directives on

- the approximation of the laws of the Member States relating to constructional plant and equipment;
- the approximation of the laws of the Member States relating to the measurement of the sound level of constructional plant and equipment;
- the approximation of the laws of the Member States relating to the permissible sound level for pneumatic concrete-breakers and jackhammers (COM (74) 2195 final).

Our committee is of the opinion that these proposals for directives accord with those sections of the Community's action programme on the environment of 20 July 1973 which concern the reduction of the sound level of noise transmitted through the air. Their approval by the Council and subsequent application would not only result in freer movement of goods but also improve the protection of the environment and extend safety and health safeguards for the population.

For these reasons, our committee expressed a favourable opinion on the proposals for directives.

Yours sincerely,

Libero DELLA BRIOTTA

The following were present: Mr Della Briotta, chairman; Mr Jakobsen, vice-chairman; Mr Albertsen, Lord Bessborough, Mr Didier, Mr Delmotte (deputizing for Mr Walkhoff), Mrs Fenner, Mr Martens, Mr Mainz, Mr Noe¹, Mr Petersen, Mr Premoli.