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EUROPEAN PARLIAMENT

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B SERIES

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MOTION FOR A RESOLUTION

tabled by Mr VANDEMEULEBROUCKE and Mr KUIJPERS

pursuant to Rule 47 of the Rules of Procedure

on the New Delhi declaration of 27 January 1985
and matters relating to disarmament

Ne.-ppd.td.

PE 96.925

The European Parliament,

- A. - having regard to the contents of the joint declaration made by six heads of state from four continents in New Delhi on 27 January 1985,
 - B. - delighted at the resumption of the bilateral negotiations in Geneva on a series of issues concerning medium and long-range nuclear and space weapons which are to be considered as a whole and appropriate solutions found,
 - C. - convinced of the vital importance of the aim of these negotiations, i.e. the prevention of an arms race in space, the ending of the arms race on earth and the ultimate abolition of all nuclear weapons,
 - D. - convinced also of the need to stop all tests on and manufacture and siting of nuclear weapons and their guidance systems to allow these negotiations a greater chance of success,
 - E. - convinced of the need for a total ban on the testing, development, manufacture, siting and use of all space weapons,
 - F. - convinced that our ultimate aim must be total disarmament,
 - G. - having regard to the contrast between the poverty of two-thirds of the world's population and the \$1.5 million which are being spent on arms every minute - a situation which cries out for redress,
 - H. - regretting that a number of Member States have recently agreed to the siting of nuclear missiles on their territory,
1. Supports the declaration made by six heads of state, i.e. Rajiv Ghandi, Prime Minister of India, Raul Alfonsin, President of Argentina, Miguel de la Madrid, President of Mexico, Julius Nyerere, President of Tanzania, Andreas Papandreu, Prime Minister of Greece and Olof Palme, Prime Minister of Sweden, in New Delhi on 25 January 1985;
 2. Calls on the Member States in their turn to sign this declaration;
 3. Calls, more specifically, for an immediate end to the nuclear arms race and for existing arms stockpiles to be scrapped as soon as possible;
 4. Urges that a Treaty banning all tests on all types of nuclear weapons be drafted as soon as possible;
 5. Calls for a total ban on the testing, development, manufacture, siting and use of space weapons;
 6. Instructs its President to forward this resolution to the Commission, the Council, the Foreign Ministers meeting in political cooperation and the governments of the Member States, the USSR and the United States.

EUROPEAN
ATOMIC ENERGY
COMMUNITY

EUROPEAN PARLIAMENT

WORKING DOCUMENTS

EUROPEAN
COAL AND STEEL
COMMUNITY

1968 - 1969

22 JANUARY 1969

DOCUMENT 188

EUROPEAN
ECONOMIC
COMMUNITY

Report

drawn up on behalf of the Economic Affairs Committee

on the proposal submitted by the Commission of the European Communities to the Council (Doc. 131/68) concerning a directive on the approximation of member States' legislative provisions governing technical safety measures for the construction and operation of oil pipelines

Rapporteur: Mr. Hougardy

ENGLISH EDITION *)

*) This translation must not be treated as an official text. Readers are reminded that the official texts exist only in the Dutch, French, German and Italian languages.

By letter of 24 September 1968 the President of the Council of the Communities asked the European Parliament for its views on the proposal submitted by the Commission of the European Communities to the Council concerning a directive on the approximation of member States' legislative provisions governing technical safety measures for the construction and operation of oil pipelines.

The draft directive was circulated as working document 131/68 and forwarded by the European Parliament on 30 September 1968 to the Economic Affairs Committee, as the body responsible, and to the Committee on Social Affairs and Health Protection, the Legal Affairs Committee and the Transport Committee for their views.

On 11 October 1968 Mr. Hougardy was appointed Rapporteur by the Economic Affairs Committee.

The Committee studied this report at its meeting of 8 January 1969 at which it unanimously adopted the motion for a resolution and the appended explanatory statement.

The following were present: Mrs. Elsner, Chairman; Messrs. Schaus and Starke, Vice-Chairmen; Hougardy, Rapporteur; Apel, Bersani, Boersma, Boertien (deputizing for Mr. De Winter), Bousch, Bousquet, Califice, Cortier, Cousté (deputizing for Mr. Fanton), Dichgans, Miss Lulling; Messrs. Memmel, Oele, Riedel, Sabatini, Vredeling (deputizing for Mr. Behrendt).

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A

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

Motion for a resolution

with the Opinion of the European Parliament on the proposal submitted by the Commission of the European Communities to the Council concerning a directive on the approximation of member States' legislative provisions governing technical safety measures for the construction and operation of oil pipelines

The European Parliament,

- (a) having regard to the proposal submitted by the Commission of the European Communities to the Council ⁽¹⁾ ;
- (b) having been consulted by the Council in accordance with Article 100 of the EEC Treaty (Doc. 131/68) ;
- (c) having regard to the report of the Economic Affairs Committee and to the Opinions of the Committee on Social Affairs and Health Protection, the Legal Affairs Committee and the Transport Committee (Doc. 188/68) ;

1. Expresses the wish that the Council shortly adopt the proposal, submitted to it by the Commission in March 1968, for a general programme for removing technical obstacles to intra-Community trade thrown up by disparities in national legislative provisions ;

2. Urges the Commission to respect the time-limits fixed for itself in the proposal mentioned under No. 1 ;

3. Considers that differences in the legislative provisions of member States concerning safety regulations for the construction and operation of oil pipelines affect the establishment and operation of the Common Market ;

4. Believes that harmonization, during an initial stage, should be largely confined to provisions governing materials for, and the assembly of, oil pipelines, and requests the Commission to amend the annex to the proposal for a directive accordingly ;

5. Trusts that the work of harmonization will be continued so as later to achieve, within the context of a second directive, general harmonization of technical safety measures for the construction and operation of oil pipelines ;

6. Considers that for the first directive the method of total harmonization should be given preference over that of optional harmonization ;

7. Invites the Commission to adopt the following amendments in accordance with Article 149,2 of the EEC Treaty ;

8. Invites its President to transmit this resolution, together with the Committee's report, to the Council and to the Commission of the European Communities.

Proposal for a directive by the Council concerning the approximation of member States' legislative provisions governing technical safety measures for the construction and operation of oil pipelines

Proposal for a first directive by the Council concerning the approximation of member States' legislative provisions governing technical safety measures for the construction and operation of oil pipelines

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

having regard to the provisions of the Treaty establishing the European Economic Community, particularly Article 100 ;

unchanged

having regard to the Commission's proposal ;

unchanged

having regard to the Opinion of the European Parliament ;

unchanged

having regard to the Opinion of the Economic and Social Committee ;

unchanged

considering that current legislative and administrative provisions governing technical safety measures for the construction and operation of oil pipelines, and particularly with respect to material and equipment for the construction of oil pipelines, vary from one member State to another : that trade in such material and equipment for the construction of oil pipelines is hampered by the existence of these different regulations, and that such differences may lead to distorted competition within the European Economic Community ;

unchanged

considering that these obstacles to the establishment and operation of the Common Market can be reduced, and even eliminated, if harmonized regulations are adopted by all member States ;

unchanged

considering it necessary for this purpose to draw up technical safety rules harmonized at Community level both for the construction and laying and for the operation of oil pipelines, given the interdependence of the said rules and the unity that exists in the legislative provisions of member States ;

unchanged

considering that technical progress calls for frequent and rapid adjustment of certain technical requirements set out in the annex to the directive ; and that it is therefore advisable to lay down a suitable procedure and to require the Commission, assisted by a committee, to carry out these adjustments ;

considering, however, that the objective referred to in Article 100 can be achieved, at least to a large extent, by harmonizing technical requirements relating to materials for, and the assembly of, oil pipelines ;

unchanged

HAS ISSUED THE FOLLOWING DIRECTIVE :

HAS ISSUED THE FOLLOWING DIRECTIVE :

Article 1

This directive concerns oil pipelines for the conveyance of liquid hydrocarbons and their liquid derivatives, with the exception of liquified hydrocarbons and natural gases.

Article 2

Oil pipelines, within the meaning of this directive, are understood to mean installations comprising one or more lines, including any pumping stations, serving one or more terminals. Pipelines lying wholly on the site of a single industrial establishment are excluded.

Article 3

Member States shall not, for reasons of safety, forbid the construction and operation of oil pipelines if these comply with the provisions of this directive and its annex.

Article 3

Member States shall not forbid, for reasons of safety **connected with materials and assembly methods**, the construction and operation of oil pipelines if these comply with the provisions of this directive and its annex.

Article 4

In accordance with the procedure laid down in Article 5 of this directive, the provisions of Chapters 2, 4 and 7 of the annex may be amended or amplified in order to take account of technical progress.

Article 5

Where reference is made to the procedure laid down in this Article, the Committee on the removal of technical obstacles to trade in industrial products, set up by Council decision of, hereafter referred to as 'the Committee', shall be consulted by its chairman, either on his own initiative or at the request of a member State.

On the Committee the votes of member States shall be weighted as specified in Article 148,2 of the Treaty. The chairman shall not take part in the vote.

The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall return an Opinion concerning these measures within a period which the chairman may determine in the light of the urgency of the questions to be studied. A majority of twelve votes shall be required for the adoption of the Opinion.

Article 5

unchanged

unchanged

The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall return an Opinion concerning these measures within a period which the chairman may determine in the light of the urgency of the questions to be studied, **with due regard to their social aspect in particular**. A majority of twelve votes shall be required for the adoption of the Opinion.

The Commission shall decide upon the measures and immediately carry them into effect if they correspond to the Committee's Opinion. If they do not correspond to the Committee's Opinion, or in the absence of such an Opinion, the Commission shall immediately propose to the Council the measures to be taken.

If at the end of a period of three months the Council, taking decisions by a qualified majority, has not decided upon any measures, the Commission shall decide upon the measures it has proposed and arrange for them to be immediately applied.

Article 6

Member States shall take the measures necessary to comply with this directive within a period of eighteen months of its publication, and shall immediately notify the Commission of the fact. Once this directive has been published, member States shall inform the Commission, in sufficient time to enable it to submit its comments, of any further drafts of essential legislative or administrative provisions they intend to adopt in the sphere covered by this directive.

The Commission shall decide upon measures which shall be immediately applicable. If, however, these measures do not correspond to the Committee's Opinion, the Commission shall at once make them known to the Council. In that event, the Commission may postpone the application of the measures decided by it for one month. The Council may decide otherwise, by a qualified majority, within a period of one month.

Any amendments going beyond mere implementing measures shall be submitted by the Commission to the Parliament before they are transmitted to the Council.

Article 6

Member States shall take the measures necessary to comply with this directive within a period of eighteen months of its publication, and shall immediately notify the Commission of the fact. Once this directive has been published, member States shall inform the Commission, in sufficient time to enable it to submit its comments, of any further drafts of essential legislative or administrative provisions they intend to adopt in the sphere of technical safety measures for the construction and operation of oil pipelines.

Article 7

This directive is addressed to the member States.

ANNEX (1)

ANNEX

To be amended in accordance with No. 4 of the motion for a resolution.

(1) For text see *Official Gazette* No. C 123 of 26 November 1968, pp. 7-18.

B

EXPLANATORY STATEMENT

I—Removal of technical obstacles to intra-Community trade

1. Although customs duties have been abolished in intra-Community trade, trade in industrial products between the member States is still hindered by the differences existing among them in provisions on taxation and industrial property as well as on the technical characteristics of products. Being well aware of the serious nature of the last-named obstacle, the European Commission submitted to the Council in March 1968 a 'General programme for removing technical obstacles to trade thrown up by disparities in national legislative provisions' ⁽¹⁾ on which the European Parliament expressed its views at its session of October 1968. ⁽²⁾

2. This programme, on which the Council has still not made known its views, proposes that national technical specifications should be brought into line in three stages so as to ensure that intra-Community trade will cease to be hindered by the end of the transitional period. A first set of technical specifications should be abolished before the end of 1968. The Commission had undertaken in its programme to submit proposals to this effect by 1 July 1968. This it was unable to do, and the proposal for a directive on technical safety measures for oil pipelines reached the Council several weeks late. No doubt certain delays are inevitable in this highly technical field in which the Commission has to depend largely on the collaboration of experts. The Commission should try, however, to respect the time-limits laid down in its own programme as far as possible.

3. The technical aspect of the harmonization of safety and similar provisions poses a number of problems. Broadly speaking, the European Parliament cannot concern itself with the technical details of proposals for harmonization. Nor can the staff the Commission can call upon be regarded as experts in the highly specialized matter of technical obstacles to intra-Community trade. It is only natural, therefore, that it should often call in the help of experts from specific

sectors or from the national authorities. It should nevertheless ensure that the Community's interests should be kept uppermost in any directives drawn up for the implementation of the general programme.

II—Proposal for a directive

4. The proposal for a directive concerns 'oil pipelines for the conveyance of liquid hydrocarbons and their liquid derivatives, with the exception of liquified hydrocarbons and natural gas' (Article 1). According to the general programme, the time-limit for the adoption of a regulation covering safety measures for gas pipelines will not expire until 1 January 1970. As these are governed by special, and in some cases dissimilar, provisions in the member States, it was only reasonable that the Commission should have maintained this distinction.

5. It was found to be necessary to harmonize the safety measures in force in the member States because the existence of conflicting specifications compel manufacturers to use materials that differ from country to country, so that it is only rarely possible for them to embark on large-scale production runs.

6. It should be noted that safety provisions serve not only the general interest but also the interest of undertakings that build or operate oil pipelines which, in the event of a fracture, may be made responsible for any damage that ensues. Common safety regulations ought not therefore to be noticeably less stringent than those at present in force in the member States. This is a matter which is obviously causing some concern, particularly in the Federal Republic of Germany.

7. Replying to a question in the Transport Committee's Opinion, ⁽³⁾ a majority of the Economic Affairs Committee expressed the view that the harmonization of provisions relating to materials for, and methods of assembling, oil pipelines would suffice to remove the chief obstacles to intra-Community trade. This is why the Committee proposes that in a first directive harmonization should be confined to (i) technical safety measures governing materials for, and

⁽¹⁾ Doc. 15/68.

⁽²⁾ Report prepared by Mr. Armengaud for the Legal Affairs Committee, Doc. 114/68.

⁽³⁾ Annex III.

the assembly of pipelines, (ii) tests, (iii) corrosion prevention and (iv) pumping stations. The Committee realizes of course that the various safety measures are to some degree interdependent. It considers it, however, possible and even preferable to space out the application of common provisions concerning pipelines.

The Committee asks that the work of harmonization be continued so as later to achieve, within the context of a second directive, general harmonization of technical safety measures for oil pipelines.

The Committee on Social Affairs and Health Protection and the Transport Committee have proposed a number of amendments⁽¹⁾ that could be made to the European Commission's draft should the argument put forward by the Economic Affairs Committee in the first paragraph above not be accepted.

8. In its general programme the Commission distinguishes between various harmonization methods.⁽²⁾ For the harmonization of safety measures governing oil pipelines it chose the 'optional' arrangement, under which national provisions are not replaced by, but may continue to exist alongside, Community requirements. The national public authorities may not, however, oppose the construction and operation of oil pipelines that satisfy such Community requirements.

Where, however, national requirements in one or more member States are less exacting than those laid down by the Community, large-scale production is not likely to be sufficiently encouraged. In such a case an outside enterprise would in general have to comply with the less stringent requirements in order to remain competitive in the country concerned. This is why the Economic Affairs Committee suggests that, in this first directive, the Commission apply the method of total harmonization.

9. Article 5 lays down the procedure to be followed where it is found necessary to adjust the common directive to technical progress. Provisions relating to requirements as to materials, the assembly of the various pipeline components and pumping stations, tend to become rapidly

out-of-date. It is therefore worth while setting up a committee capable, at short notice, of working out amendments to the provisions contained in the annex to the directive.

10. In the course of discussing the general programme, the European Parliament urged that the procedure laid down in Article 5 be amended. From the third paragraph this Article should now read :

'The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall return an Opinion concerning these measures within a period which the chairman may determine in the light of the urgency of the questions to be studied, with due regard to their social aspect in particular. A majority of twelve votes shall be required for the adoption of the Opinion.

The Commission shall decide upon measures which shall be immediately applicable. If, however, these measures do not correspond to the Committee's Opinion, the Commission shall at once make them known to the Council. In that event, the Commission may postpone the application of the measures decided by it for one month. The Council may decide otherwise, by a qualified majority, within a period of one month.

Any amendments going beyond mere implementing measures shall be submitted by the Commission to the Parliament before they are transmitted to the Council.'⁽³⁾

11. The Committee on Social Affairs and Health Protection proposes to reduce the eighteen-month time-limit referred to in Article 6 to one year. In its view, adaptation will not present technical difficulties for the industries concerned. After hearing the comments of the Commission's representative, however, the Economic Affairs Committee does not feel it can endorse the amendment suggested by the Committee on Social Affairs and Health Protection. The eighteen-month time-limit which the Commission intends to grant enterprises to enable them to adjust their methods of production does not, in fact, appear excessive.

⁽¹⁾ Annexes I and III.

⁽²⁾ General programme, Chapter IV.

⁽³⁾ Official Gazette No. C 108 of 19 October 1968.

Opinion of the Committee on Social Affairs and Health Protection

Draftsman : Mr. Laudrin

By letter of 24 September 1968 the President of the Council of the European Communities asked the European Parliament for its views on the proposal submitted by the Commission to the Council (Doc. 131/68) concerning a directive on the approximation of member States' legislative provisions governing technical safety measures for the construction and operation of oil pipelines.

At its meeting of 30 September 1968 the European Parliament transmitted this proposal for a directive to the Economic Affairs Committee, as the body responsible, and to the Committee on Social Affairs and Health Protection, the Transport Committee and the Legal Affairs Committee for their views.

On 8 October 1968 the Committee on Social Affairs and Health Protection appointed Mr. Laudrin draftsman and discussed the proposal for a directive.

The Committee studied the Opinion drawn up by Mr. Laudrin at its meetings of 8 and 13 November 1968, unanimously adopting it at the latter meeting.

The following were present : Mr. Müller, Chairman ; Miss Lulling and Mr. Merchiers, Vice-Chairmen ; Mr. Laudrin, Draftsman ; Messrs. Baumel, Behrendt, Bergmann, Berthoin, Brégégère, Gerlach, Jarrot, Marengi (deputizing for Mr. Carcaterra), Pianta, van der Ploeg, Ramaekers, Servais, Springorum, Vredeling.

1. This proposal for a directive falls under the 'general programme for removing technical obstacles to trade thrown up by disparities in national legislative provisions' (Doc. 15/68).

The Committee on Social Affairs and Health Protection made known its views on this general programme in an Opinion drawn up for it by Mr. Carcaterra and appended to the Armengaud report (Doc. 114/68).

2. This directive is regarded as being of the utmost importance and marks the first phase of the general programme.

It ought really to have been submitted before 1 July 1968 to the Council which was to have decided upon it before 31 December 1968.

It did not reach the Council, however, until 23 July. This delay ought not therefore to be prolonged.

3. The object of this directive is set forth in Article 1 of Doc. 131/68. It concerns 'oil pipelines for the conveyance of liquid hydrocarbons and their liquid derivatives, with the exception of liquified hydrocarbons and natural gases.'

Harmonization of legislative provisions governing gas pipelines is assigned to the third phase of the general programme (submission to the Council before 1 July 1969, Council decision before 31 October 1969).

The Committee has already underlined the need for safety measures in connexion with gas pipelines for preventing explosions and air pollution. The Committee hopes, and indeed expects, that the Commission will comply with the time-limits laid down.

4. Technical progress naturally necessitates constant and rapid updating of safety provisions.

It is understandable that the Commission, mindful of its responsibilities, is enlisting the aid of a committee on the removal of technical obstacles to trade in industrial products (Article 5).

This committee takes its place alongside many others such as the Food Committee, the Veterinary Committee and the Feeding-stuffs Committee.

The Committee on Social Affairs and Health Protection has already expressed its concern about the decision-making procedure and the powers assigned to these committees.

5. However, since this technical committee is expected to exercise an influence on future safety provisions, the Committee on Social Affairs and Health Protection feels it ought to make its views known in greater detail.

The new committee may only assume an *advisory* rôle. Once the Commission has been adequately advised, it must make a decision *on its own responsibility*, where necessary departing from expert advice.

Otherwise the European Parliament would be unable to exercise its normal supervision of the Commission's activities in the matter of the removal of technical obstacles to trade.

The rôle of the technical committee should not be to take over the task of the European Parliament.

The Commission is therefore requested to amend the wording of Article 5, paragraphs 4 and 5, as follows :

'The Commission shall decide upon measures and immediately carry them into effect. If, however, they do not correspond to the Committee's Opinion, the Commission shall at once submit them to the Council.

In that event, the Commission may postpone the application of the measures decided by it for one month, dating from the day of their notification. The Council may decide otherwise, by a qualified majority, within a period of one month.'

6. Article 6 stipulates that member States shall take the measures necessary to comply with the directive within a period of eighteen months of its publication.

The Committee on Social Affairs and Health Protection, however, has already raised objections, in a recent report drawn up by Mr. Jarrot on electrical equipment, to unduly delayed application.

Under the terms of Article 6—since the directive is to be published in December 1968—it would not enter into force until June 1970.

Such a procedure conflicts with the general programme (Doc. 15/68, p. 33) in which the Commission itself deplors 'the adverse effects that would result for the formation of a truly unified market if, owing to the fact that the programme could not be carried into effect, the bulk of the obstacles to trade could not be removed by 31 December 1969.

The Committee therefore urges that Article 6 be amended to the effect that member States shall apply the directive within *one year* of its publication.

Moreover, it does not appear that the industries concerned will experience any technical difficulties in carrying out the necessary adjustments.

7. The actual security measures are set out in an annex containing eight chapters: calculation of the pipeline, materials, layout and section of piping, assembly and laying, testing of the line, external corrosion prevention, pumping stations, operation and maintenance.

8. The Committee does not intend to go more deeply into the technical aspects of the Annex.

It has, however, the impression that the safety both of the workers and of the public has been taken due account of in drawing up the technical provisions.

9. These could, however, be improved in certain respects.

Two cases may be mentioned below:

(a) Article 3,6 of the Annex lays down that at points of intersection with, or in the vicinity of, overhead high-tension lines, steps should, *if necessary*, be taken to safeguard workers and pipelines.

The Committee feels that the phrase 'if necessary' ought to be omitted.

(b) The Committee stresses the need for a basic provision to ensure the continued operation of all safety devices even in the event of an electrical failure.

Such a provision exists in Swiss legislation. The Committee therefore suggests that the following provision should be added at the end of the Annex:

'Article 8,3,3. Other safety measures

All safety facilities, and in particular the operation of shutoff valves, shall be capable of functioning even in the event of failure of the public electricity supply system.'

10. The Committee on Social Affairs and Health Protection invites the Economic Affairs Committee, as the body responsible, to take into account its proposals for amending or amplifying certain provisions of the directive.

Opinion of the Legal Affairs Committee

Letter from the Chairman of the Legal Affairs Committee dated 23 October 1968
to Mrs. Elsner, Chairman of the Economic Affairs Committee

Madam,

The Legal Affairs Committee has been instructed to draw up an Opinion for submission to the Economic Affairs Committee on the proposal for a directive presented by the Commission of the European Communities to the Council concerning the approximation of member States' legislative provisions governing technical safety measures for the construction and operation of oil pipelines (Doc. 131/68).

At its meeting of 18 October 1968 the Legal Affairs Committee discussed the said proposal for a directive and reached the following conclusions :

First it should be noted that the proposal for a directive was drawn up in pursuance of the general programme for removing technical obstacles to intra-Community trade on which the European Parliament returned an Opinion,⁽¹⁾ on the basis of a report drawn up by Mr. Armengaud,⁽²⁾ at its session of October 1968.

In that Opinion the European Parliament adopted amendments regarding the procedure to be followed by the Committee referred to in Nos. 3 and 4 of the Commission's proposal for a directive of which account has not been taken in Article 5 of the said proposal.

The Legal Affairs Committee therefore invites the Economic Affairs Committee, as the body responsible, to take account, in its Opinion on the proposal for a directive, of the amendments decided upon by the Parliament.

These amendments are as follows :

"3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall return an Opinion concerning these measures within a period which the chairman may determine in the light of the urgency of the questions to be studied, with due regard to their social aspect in particular. A majority of twelve votes shall be required for the adoption of the Opinion.

4. The Commission shall decide upon measures which shall be immediately applicable. If, however, these measures do not correspond to the Committee's Opinion, the Commission shall at once make them known to the Council. In that event the Commission may postpone the application of the measures decided by it for one month. The Council may decide otherwise by a qualified majority within a period of one month.

Where a directive has been adopted by the Parliament, any amendments going beyond mere implementing measures shall be submitted by the Commission to the Parliament before they are transmitted to the Council."

The Legal Affairs Committee confirms its view, expressed in the report drawn up by Mr. Armengaud, that only such harmonization should be carried out as is essential to the operation of the Common Market. It therefore requests the Economic Affairs Committee to consider to what extent the proposal for a directive corresponds to this position adopted by the Legal Affairs Committee.

Moreover, the Legal Affairs Committee has noted that the proposal for a directive is almost entirely technical in character, and that the Committee would be going beyond its powers if it were to submit an Opinion on these technical questions. This is why it confined itself to ascertaining whether, from the legal point of view, the provisions of Article 100 of the EEC Treaty on which the proposal for a directive is based have been complied with. It concluded that this was the case because it shared the Commission's view that the provisions on oil pipelines in force in the member

⁽¹⁾ Official Gazette No. C 108 of 19 October 1968, p. 39.

⁽²⁾ Doc. 114 of 25 September 1968.

States, which are the subject of this proposal for a directive, exhibit differences that hamper the free movement of goods and therefore have a direct effect on the establishment and operation of the Common Market.

In conclusion, the Legal Affairs Committee welcomes and approves this proposal for a directive, in so far as it falls within its province, and requests the Economic Affairs Committee to take the foregoing observations into account.

Yours faithfully,

(signed) Arved Deringer'

Opinion of the Transport Committee

Draftsman : Mr. Memmel

At its session of 30 September 1968 the European Parliament instructed the Transport Committee to draw up an Opinion, for submission to the Economic Affairs Committee, on the proposal submitted by the Commission of the European Communities to the Council concerning a directive on the approximation of member States' legislative provisions governing technical safety measures for the construction and operation of oil pipelines (Doc. 131/68).

At a meeting of 12 November 1968 Mr. Memmel was appointed Draftsman of the Opinion by the Transport Committee.

This Opinion was studied and unanimously adopted at a meeting of 2 January 1969.

The following were present: Messrs. Posthumus, Chairman; Richarts, Vice-Chairman; Memmel, Draftsman; Apel, Boertien, Carcaterra, De Gryse, Jozeau-Marigné, Lucius (deputizing for Mr. Cerulli Irelli), Raedts (deputizing for Mr. Ferrari) and Riedel.

I—General

1. The Transport Committee has been asked to express its views on the proposal submitted by the Commission of the European Communities to the Council concerning a directive on the approximation of member States' legislative provisions governing technical safety measures for the construction and operation of oil pipelines.

The Economic Affairs Committee is the body mainly responsible in this matter; the Legal Affairs Committee and the Committee on Social Affairs and Health Protection have also expressed their views. The Transport Committee could therefore confine its attention to the few transport policy aspects of the proposal, were it not for the importance of a number of safety aspects of the Commission's proposal.

2. With a mode of transport of this type the safety measures adopted cannot be a matter of indifference. It may even be felt, perhaps, that the Transport Committee should have been assigned the main responsibility for the report, as in the case of the directives on harmonization in the motor vehicle sector.

II—Basic features of the proposal for a directive

3. The proposal for a directive relates to the general programme for removing technical obstacles to intra-Community trade, on which the European Parliament expressed its views,⁽¹⁾ on the basis of a report drawn up by Mr. Armengaud,⁽²⁾ at its session of October 1968.

In the Opinion it drew up for submission to the Economic Affairs Committee,⁽³⁾ the Legal Affairs

Committee confirmed that in its view the conditions set out in Article 100 of the EEC Treaty had been satisfied. It expressed no opinion, however, as to whether the proposal for a directive introduces harmonization only in so far as it is essential for the functioning of the Common Market, as requested in the Armengaud report. It leaves this question to the Economic Affairs Committee, as the body mainly responsible.

4. In the explanatory statement appended to its proposal for a directive the Commission sets out from the fact that the legislative and administrative provisions in force in the member States for the construction and operation of oil pipelines display differences which tend to hinder trade.

The explanatory statement only mentions obstacles affecting the manufacture and utilization of the material and equipment used in constructing and operating oil pipelines; for example, steel pipe, pumps, flanges, valves and monitoring devices and instruments.

5. It will be noted, however, that the proposal for a directive does not stop short at this type of obstacle, for it not only advocates harmonizing materials but also contains detailed provisions relating to the layout as well as to the assembly and laying of oil pipelines.

It may clearly be asked whether this does not overstep the limits of harmonization specified in Article 100 of the EEC Treaty. At first sight it is hard to grasp why, for example, the distance to be maintained between occupied buildings and underground pipelines, the breadth of the safety stripe or special measures in the vicinity of high-tension lines, have necessarily to be harmonized at Community level, or in what way the lack of such harmonization would tend to hamper trade.

6. Admittedly the directive mentions in a number of places that the special conditions for laying

⁽¹⁾ See Minutes of Session of 3 October 1968.

⁽²⁾ See Doc. 114/68.

⁽³⁾ See Doc. PE 20.723.

pipelines should be settled jointly with the advisory bodies and the appropriate authorities within the context, perhaps, of a national body of regulations.

On the other hand, Article 3 of the directive stipulates that 'member States shall not, for reasons of safety, forbid the construction and operation of oil pipelines if these comply with the provisions of this directive and its annex.'

7. If, therefore, the directive fails to set out from stringent safety requirements, already existing national safety measures will be toned down. The directive, moreover, will exercise a strong influence on discussions regarding the constant improvement of such requirements.

This applies in particular to the all-important task of preventing water pollution, which becomes extremely difficult if pipelines are insufficiently tight. In Germany, for instance, both the Federal and the Land ministers concerned have expressed serious concern at the prospect that the Community directive could result in a watering-down of current German safety provisions in the field of water supplies.

8. The Economic Affairs Committee, as the body mainly concerned, should at all events ascertain whether such a danger exists. Steps should further be taken to check whether the contents of the directive tally with the 'European Water Charter' published on 6 May 1968 by the Council of Europe with a view to ensuring that water pollution in Europe is effectively prevented. Whatever happens, the directive must in no way mark a retreat from European insistence on the need to protect water from pollution.

9. Similar objections could be raised to the contemplated industrial safety standards which do not seem to maintain the highest level already achieved.

But although this circumstance does not affect the safety of the population so much as gaps in the standards on the prevention of water pollution, it nevertheless serves as an example: as the harmonization programme of Article 100 of the EEC Treaty provides for a large number of measures for harmonizing transport techniques, the degree of safety such harmonization should ensure is a matter likely to occupy the Transport Committee more and more. The principle ought to be that, where safety standards are concerned, harmonization must be based on the need for maximum safety.

III—Comments on some items

10. It is difficult to comment on the highly technical aspects of the directive.

The basic question, i.e. whether or not the provisions relating to the laying of pipelines ought to be harmonized, has already been raised. If it is decided to include these provisions in the directive, the following amendments ought to be made:

(All the proposed amendments that follow relate to the annex to the proposal.)

Article 1,1,1 (Definition of 'wasteland')

Add the following phrase to the first sentence of the second paragraph:

'...and of which the water cannot be polluted by a pipeline.'

Reasons:

A lowering of safety requirements in wasteland can only be justified if it can be established that there is no risk of water pollution from an oil leak in the pipeline.

Article 3,5,2 (Water-catchment areas)

Add to the second paragraph:

'5. Stricter standards for materials, manufacture and testing.'

Reasons:

The obligation to carry out more frequent (though not more intensive) inspection facilitates fault-detection, but in some cases—for example, at intersections with water-courses—higher standards are needed for the quality of piping.

Article 3,5,3 (Special cases)

Replace the last paragraph of Article 3,5,2 by a new Article 3,5,3 reading as follows:

'Where, in special cases, and particularly in water-catchment areas and other important water-supply areas, the national authorities regard the foregoing measures as inadequate, special measures may be laid down from case to case.'

Reasons:

Restricting special cases to drinking and medicinal water-catchment areas is contrary to major anti-pollution requirements.

Article 8,2,5 (Recovery plant)

Replace the words 'During operation' by 'So long as the line is filled with oil'.

Reasons:

What matters is not whether the line is in operation but that it may give rise to danger. This is the case when it is filled, even if the contents are stationary.

Article 8,2,7 (Tests)

Amend this Article as follows:

'Tests shall be carried out at least once every six months on lines and collecting tanks by the most up-to-date methods, including a pressure test with the material to be conveyed, at maximum service pressure, in order to check the tightness of the line. Once the pressure has been applied, line valves shall be closed and the pressures in different sections of the line continuously recorded for 24 hours.

The operator shall check for leaks and file the records of his findings.'

Reasons:

For the prevention of water pollution, pressure tests at 10-year intervals are wholly inadequate. Pressure tests are at the moment the only means of detecting leaks which, though slight, are equally dangerous. With a throughput in a line of, say, 500 m³/h, a daily leakage of 200,000 litres could not be detected by any other means. This test ought to be carried out not less than once every six months; at the same time the most up-to-date methods should be used.

Article 8,3,2 (*Measures in the event of faults*)

Amend Article 8,3,2 as follows :

'Where, in the event of a fault, insufficient tightness of the line cannot be ruled out or is in fact confirmed, the line shall be immediately taken out of operation and, if necessary, pressure lifted in certain sections—the line, if need be, being emptied.

Should other faults endangering safe operation be present, measures shall be taken to prevent

any damage through an escape of liquid, and to remove any damage or risk of damage that may have arisen.'

Reasons:

The measures laid down to deal with leakages are inadequate. In some cases they would be taken too late to prevent damage or to reduce the risk of damage to the utmost. In particular, they do not include the essential provision that, under certain conditions, the line must be taken out of operation and, if necessary, emptied.

11. The Economic Affairs Committee is invited, as the body mainly concerned, to investigate the points raised in this Opinion.

If it is in favour of maintaining the field of application of the proposal for a directive, account should at least be taken of the foregoing amendments.

