

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 1-141/80

Report

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

on the proposals from the Commission of the European Communities to the Council for directives on

- I. the approximation of the laws of the Member States relating to rear-view mirrors for two or three-wheeled motor vehicles (Doc. 1-703/79)**
- II. (a) the approximation of the laws of the Member States relating to roll-over protective structures (ROPS) for certain construction plant**
(b) the approximation of the laws of the Member States relating to falling-object protective structures (FOPS) for certain construction plant (Doc. 1-711/79)
- III. amending Directive 71/307/EEC on the approximation of the laws of the Member States relating to textile names (Doc. 1-759/79)**
- IV. the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to fire-damp (Doc. 1-805/79)**
- V. the approximation of the laws of the Member States relating to methods of testing the biodegradability of non-ionic surfactants and amending Directive 73/404/EEC (Doc. 1-823/79)**

Rapporteur: Mr K. von WOGAU

By letter of 21 January 1980 the Council requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission for a directive on the approximation of the laws of the Member States relating to rear-view mirrors for two- or three-wheeled motor vehicles.

The President of the European Parliament referred this proposal to the Committee on Economic and Monetary Affairs as the committee responsible and to the Committee on the Environment, Public Health and Consumer Protection and the Committee on Transport for their opinions.

By letter of 29 January 1980 the Council requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on two proposals from the Commission for directives on the approximation of the laws of the Member States relating to roll-over and falling-object protective structures (ROPS and FOPS) for certain construction plant.

The President of the European Parliament referred these proposals to the Committee on Economic and Monetary Affairs as the committee responsible and to the Committee on the Environment, Public Health and Consumer Protection for its opinion.

By letter of 8 February 1980 the Council requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission for a directive amending Directive 71/307/EEC on the approximation of the laws of the Member States relating to textile names.

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

By letter of 14 February 1980 the Council requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission for a directive on the approximation of the laws of the Member States concerning electrical

equipment for use in potentially explosive atmospheres in mines susceptible to fire-damp.

The President of the European Parliament referred this proposal to the Committee on Economic and Monetary Affairs as the committee responsible and to the Committee on the Environment, Public Health and Consumer Protection for its opinion.

By letter of 29 February 1980 the Council requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission for a directive on the approximation of the laws of the Member States relating to methods of testing the biodegradability of non-ionic surfactants and amending Directive 73/404/EEC.

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

On 21 February and 21 March 1980 the Committee on Economic and Monetary Affairs appointed Mr von Wogau rapporteur.

It considered the proposals at its meeting of 24 April 1980 and adopted the motion for a resolution unanimously.

Present: Mr Delors, chairman; Mr Deleau, Mr de Ferranti and Mr Macario, vice-chairmen; Mr von Wogau, rapporteur; Mr Balfour, Mr Beazley (deputizing for Sir Peter Vanneck), Mr Beumer, Mr von Bismark, Mr Bonaccini, Mr Caborn, Mr Delorozoy, Miss Forster, Mr Giavazzi, Mr Hopper, Mr Lange (deputizing for Mr Schinzel), Mr Leonardi, Mr Mihr, Mr Moreau, Mr Petronio and Mr Piquet.

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

C O N T E N T S

	<u>page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	7
I. rear-view mirrors for two- or three-wheeled motor vehicles	7
II. protective structures for certain construction plant	8
III. textile names	9
IV. electrical equipment for use in potentially explosive atmospheres in mines susceptible to fire-damp	10
V. methods of testing the biodegradability of non- ionic surfactants	10
Opinion of the Committee on Transport on Doc. 1-703/79	11
Opinions of the Committee on the Environment, Public Health and Consumer Protection on	
Doc. 1-703/79	11
Doc. 1-711/79	12
Opinion of the Legal Affairs Committee on Doc. 1-759/79	13

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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 proposals from the Commission of the European Communities to the Council on

- I. the approximation of the laws of the Member States relating to rear-view mirrors for two- or three-wheeled motor vehicles (Doc. 1-703/79);
- II. (a) the approximation of the laws of the Member States relating to roll-over protective structures (ROPS) for certain construction plant
(b) the approximation of the laws of the Member States relating to falling-object protective structures (FOPS) for certain construction plant (Doc. 1-711/79);
- III. amending Directive 71/307/EEC on the approximation of the laws of the Member States relating to textile names (Doc. 1-759/79);
- IV. the approximation of the laws of the Member States concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to fire-damp (Doc. 1-805/79);
- V. the approximation of the laws of the Member States relating to methods of testing the biodegradability of non-ionic surfactants and amending Directive 73/404/EEC (Doc. 1-823/79).

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council (COM(79) 772 final, COM(79) 786 final, COM (79) 778 final/2, COM(80) 12 final and COM(80) 40 final),
- having been consulted by the Council, pursuant to Article 100 of the EEC Treaty (Doc. 1-703/79, Doc. 1-711/79, Doc. 1-759/79, Doc. 1-805/79 and Doc. 1-823/79),
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on the Environment, Public Health and Consumer Protection, the Committee on Transport and the Legal Affairs Committee (Doc. 1-141/80),

1. Draws attention to the fact that Council directives on the approximation of the laws of the Member States should be issued only when essential for the removal of barriers to trade, provided this cannot be achieved by other means;
2. Asks the Commission to formulate more clearly Articles 5 and 7 of the proposal for a directive on textile names (Doc. 1-759/79) in accordance with the opinion of the Legal Affairs Committee;
3. Approves without amendment the Commission's proposals relating to rear-view mirrors (Doc. 1-703/79), protective structures (Doc. 1-711/79), electrical equipment (Doc. 1-805/79) and non-ionic surfactants (Doc. 1-823/79);
4. Urgently calls on the Council to complete its consideration of the Commission's proposal of 1975 on a framework directive on 'common provisions for constructional plan and equipment'¹, thereby making it possible to achieve a gradual removal of technical barriers to trade in this sector and to strengthen the competitive position of the European producers on the international market.

¹ OJ No. C 82 of 14.4.1975

EXPLANATORY STATEMENT

I. Rear-view mirrors for two- or three-wheeled motor vehicles (Doc. 1-703/79)

1. Between 1973 and 1975 the Commission drew up altogether three proposals for directives on mopeds and motor cycles; two on the type-approval procedures for mopeds and motor cycles respectively and one on the permissible sound level and exhaust system of motor cycles; only the latter has been adopted by the Council (in 1978).

The present proposal lays down common provisions on the fitting of rear-view mirrors to two- or three-wheeled vehicles.

2. The gist of the Commission's proposal is as follows:

(a) All two-wheeled or three-wheeled vehicles (intended for use on the road) with a maximum speed of more than 25 km/h must be fitted with one or two rear-view mirrors:

- two-wheeled vehicles with a maximum speed not exceeding 80 km/h must be fitted with one mirror;
- two-wheeled vehicles with a maximum speed exceeding 80 km/h and all three-wheeled vehicles must be fitted with two mirrors;

(b) The requirements concerning the type of mirrors are the same as those which apply to rear-view mirrors for cars.

3. Insofar as the Member States are considering introducing or have already introduced rules in this sector, it is advisable to remove this technical barrier to trade.

4. The only point for discussion is the choice of the 80 km/h limit to determine whether a two-wheeled vehicle is to be fitted with one or two mirrors. The Commission's proposal is more or less in line with the relevant provisions in the Federal Republic of Germany and in France.

5. The Committee on Transport and the Committee on the Environment, Public Health and Consumer Protection have both delivered a positive opinion on the Commission's proposal without proposing any amendments.

6. In view of the above, the Committee on Economic and Monetary Affairs approves the Commission's proposal.

II. Protective structures for certain construction plant (Doc. 1-711/79)

7. Manufacturers have to comply with a variety of national provisions, both technical and administrative, regarding the protective equipment to be fitted to construction plant. The Commission has therefore - at the request of Community industry - submitted a proposal for the approximation of the national laws. The two proposals for directives concern practically all types of constructional plant that can roll over or expose the operator to falling objects.

8. In the case of the proposal for a directive on protection against roll-over, the Commission proposes to make the protective measures compulsory; it speaks, furthermore, of total harmonization, i.e. the structures can be marketed only if they satisfy the common technical requirements.

9. In the case of the proposal for a directive on protection against falling objects, it is left to the Member States to decide to what extent the construction plant in question should be fitted with protective structures, since the latter can in certain cases hamper operations. The proposal does, however, provide for total harmonization, viz. where national provisions call for protective measures, plant can be marketed only if it satisfies the common technical requirements.

10. The Community procedure in both directives is based on the EEC-type examination procedure and the technical rules regarding laboratory tests, performance criteria and deflection limiting volume are those already laid down by ISO international standards.

11. The Committee on Economic and Monetary Affairs agrees with the Commission that there is a need to implement directives in this sector to remove technical barriers to trade. It also agrees that the total harmonization approach must be adopted, since one is dealing here with safety measures; the additional cost of the protective structures does not, then, seem unreasonable.

The committee wishes to take this opportunity to deplore the fact that the Council has not yet adopted the framework directive proposed by the Commission in 1975 on 'common provisions for constructional plant and equipment'¹. This is all the more regrettable since the annual production of construction plant and equipment in the Community is of the order of 3,000 million EUA, or one quarter of the world total. The position of Europe's manufacturers on the world market would be stronger if technical barriers to trade in the Community were abolished.

The two proposals for directives now under consideration cannot be adopted until the framework directive is adopted.

¹ OJ No C 82 of 14.4.1975

III. Textile names (Doc. 1-759/79)

12. The existing directive has, partly by rules on uniform labelling removed technical barriers to trade in this sector and increased consumer information.

Although the Member States have in most cases taken the directive over almost word for word in their national legislation, considerable differences have arisen in the interpretation of its provisions, which have created new barriers to trade. The reason why the Commission is now proposing to amend this directive is not only to make the text clearer, but also to adapt it to take account of technical developments.

13. In its opinion the Legal Affairs Committee expressed some doubt about the Commission's wish to have this question dealt with in haste, as this entails the risk of further errors and inaccuracies in the new text. In this connection the Legal Affairs Committee draws attention to two articles (Article 5 and 7) which are not, in its opinion, sufficiently clearly worded. The Committee on Economic and Monetary Affairs supports its draft amendment.

14. The amendments proposed by the Commission to the text of the directive are extremely technical and concern, inter alia, those points which the Member States, the industry and the consumers have singled out as the most important, together with problems brought to the Commission's notice by complaints and inquiries.

The Committee on Economic and Monetary Affairs is aware that the existing directive does not include the provisions normally used to allow for the adaptation of such directives to technical progress. It has therefore been necessary in this case for the Commission to submit its own proposal amending the directive on the basis of Article 100 of the EEC Treaty. In these circumstances, the committee is glad to note that, in Article 10 of the present proposal, the Commission proposes to add a provision to the directive enabling this simpler procedure to be adopted in future.

Apart from the draft amendment proposed by the Legal Affairs Committee, the Committee on Economic and Monetary Affairs has not received any information to prompt it to propose amendment of the Commission's text.

IV. Electrical equipment for use in potentially explosive atmospheres in mines susceptible to fire-damp (Doc. 1-805/79)

15. Until now the Community directives on electrical equipment for use in potentially explosive atmospheres has not covered electrical equipment for use in mines susceptible to fire-damp. 'The Safety and Health Commission for the Mining and other Extractive Industries' has meanwhile considered it advisable to prepare a directive which, on the basis of 'optimal harmonization', lays down common standards for electrical equipment used in such mines. The technical specifications proposed are, generally speaking, identical with those of the European Committee for Electrotechnical Standardization (CENELEC).

16. The Committee on the Environment, Public Health and Consumer Protection will deliver its opinion on this proposal in May.

V. Methods of testing the biodegradability of non-ionic surfactants (Doc. 1-823/79)

17. In 1973 the Council adopted a directive on the approximation of the laws of the Member States relating to detergents¹, prohibiting the placing on the market and use of detergents containing surfactants where the average level of biodegradability is less than 90% for each of the following categories: anionic, cationic, non-ionic and ampholytic.

With regard to anionic surfactants, common methods of testing these were laid down in 1973¹.

The purpose of the present proposal is to lay down corresponding methods for the testing of non-ionic surfactants.

In view of the need to remove technical barriers to trade, the Committee on Economic and Monetary Affairs supports the Commission's proposal to lay down common rules on testing procedures in this sector; the committee has no objections from a technical point of view.

18. The Commission's proposal also provides for temporary exemption from the framework directive's rules on the minimum level of biodegradability. This is because, for certain processes, there is no surfactant that can satisfy these provisions.

The Committee on Economic and Monetary Affairs therefore approves this proposal.

¹ OJ L 347 of 17.12.1973, pp 51 and 53

OPINION OF THE COMMITTEE ON TRANSPORT

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

Brussels, 28 March 1980

Dear Mr Chairman,

At its meeting of 28 March 1980 the Committee on Transport considered the Commission's proposal for a Council directive on the approximation of the laws of the Member States relating to rear-view mirrors for two- or three-wheeled motor vehicles (COM(79) 772 final).

As the Commission states in its explanatory memorandum, this proposal is to be considered within the framework of the 'General programme for the removal of technical barriers to trade which result from disparities between the provisions laid down by law, regulation or administrative action in the Member States' of 28 May 1969.

The committee of the European Parliament responsible for questions concerning transport has already produced a number of reports and opinions on the approximation of the laws of the Member States relating to the manufacture and fitting-out of motor vehicles. The committee has repeatedly insisted on the need for such approximation, believing, as it does, that it cannot only eliminate distortions of competition, but also increase road safety and reduce environmental pollution.

By making the fitting of rear-view mirrors to two- and three-wheeled vehicles compulsory, the present proposal for a directive should help to increase road safety. The Committee on Transport therefore welcomes it.

Please consider this letter as the committee's (unanimously adopted) opinion (COM(79) 772 final).

Yours sincerely,

(sgd) H. SEEFELD

¹ Present: Mr Seefeld, chairman; Mr Buttafuoco, Mr Gatto (deputizing for Mr Craxi), Mr Gendebien, Mr Helms, Mr Hutton (deputizing for Lord Harmor-Nicholls), Mr Moreland and Mr John D. Taylor.

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND CONSUMER
PROTECTION

Letter from the chairman, Mr K. COLLINS, to Mr J.L.J. DELORS, chairman of the Committee on Economic and Monetary Affairs of 21 March 1980.

Dear Mr Delors,

At its meeting of 20 March 1980¹, the Committee on the Environment, Public Health and Consumer Protection considered the Commission proposal for a Directive on the approximation of the laws of the Member States relating to rear-view mirrors for two- or three-wheeled motor vehicles (Doc. 1-703/79).

The committee welcomes this proposal which should increase road safety at the same time as furthering trade within the Community.

I should be grateful if you would consider this letter as the committee's opinion.

Yours sincerely,

(sgd) Kenneth COLLINS

¹ Present: Mr Collins, chairman; Mr Alber, Mr Johnson, Mrs Weber, vice-chairmen; Mr Adam (deputizing for Mr O'Connell), Mr Colla (deputizing for Mrs Roudy), Mr Forth (deputizing for Miss Hooper), Mrs Fullet, Mr Ghergo, Mrs Krouwel-Vlam, Mr Mertens, Mr Muntingh, Mr Newton-Dunn, Mr Remilly, Mr Schleicher, Mrs Seibel-Emmerling, Mr Sherlock, Mrs Squarcialupi and Mr Verroeken.

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND CONSUMER
PROTECTION

Letter from the chairman, Mr K. COLLINS, to Mr J.L.J. DELORS, chairman of the Committee on Economic and Monetary Affairs of 21 March 1980.

Dear Mr Delors,

At its meeting of 20 March 1980¹, the Committee on the Environment, Public Health and Consumer Protection considered the Commission proposals for

- I. a Directive on the approximation of the laws of the Member States relating to roll-over protective structures (ROPS) for certain construction plant
- II. a Directive on the approximation of the laws of the Member States relating to falling-object protective structures (FOPS) for certain construction plant (Doc. 1-711/79).

The committee welcomed these proposals as an important contribution towards combatting the high level of industrial accidents in the Community, which at the same time will help to further trade within the Community.

I should be grateful if you would consider this letter as the committee's opinion.

Yours sincerely,

(sgd) Kenneth COLLINS

¹ Present: Mr Collins, chairman; Mr Alber, Mr Johnson, Mrs Weber, vice-chairmen; Mr Adam (deputizing for Mr O'Connell), Mr Colla (deputizing for Mrs Roudy), Mr Forth (deputizing for Miss Hooper), Mrs Fullet, Mr Ghergo, Mrs Krouwel-Vlam, Mr Mertens, Mr Muntingh, Mr Newton Dunn, Mr Remilly, Mr Schleicher, Mrs Seibel-Emmerling, Mr Sherlock, Mrs Squarcialupi and Mr Verroeken.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter to the chairman of the Committee on Economic and Monetary Affairs from the chairman of the Legal Affairs Committee on the proposal for a Council Directive (Doc. 1-759/79) amending Directive 71/307/EEC on textile names

At its meeting on 18-19 March 1980¹ the Legal Affairs Committee considered the proposal for a Council directive (Doc. 1-759/79) amending Directive 71/307/EEC on textile names.

It noted that the aim of the original directive was to introduce compulsory uniform labelling of textile products on the basis of their fibre content in order to remove the obstacles to free trade in these products caused by differences in national laws and that it had also improved the information available to consumers. The committee welcomed the fact that the Commission had taken the opportunity, when updating the directive in line with technical developments, to remedy the problems which have arisen from the differences between Member States as to the application and interpretation of the 1971 directive, to improve its clarity and to correct the inaccuracies in some language versions. It regretted, however, that

Parliament, Council and

Member States were now being pressed to treat the matter as an urgent one. The Legal Affairs Committee is of the view that, should action be taken too quickly, there is a risk of further mistakes and inaccuracies in the new text.

The Legal Affairs Committee would like to point out that the directive would be even clearer if the proposal included the text of the directive as amended in its entirety. There are also two articles in the proposal on which it would like to comment.

Article 5 would amend Article 8(2)(c) by inserting as an initial phrase 'subject to the provisions of Article 30 et seq of the Treaty'. This phrase is both unclear and unnecessary. It is unnecessary because the directive is automatically subject to the provisions of the Treaty; it is unclear because 'et seq' may mean all the 210 articles which follow Article 30. The committee recommends that the phrase be deleted. If it is considered indispensable to include reference to Article 30, the phrase should read 'subject to the provisions of Article 30-37 of the Treaty'.

Article 7 would add a second paragraph to Article 10. The Legal Affairs Committee considered that the phrase 'shall take all necessary steps to ensure' was not sufficiently precise and that it could lead to problems of application and interpretation in the different Member States.

(sgd) Mauro FERRI

¹ Present: Mr FERRI, chairman, Mr TYRRELL, draftsman, Messrs ADONNINO, D'ANGELOSANTE, GONELLA, GOPPEL, JANSSEN VAN RAAY, MEGAHY, PELIKAN, PETERS, SCHWENKE, SIEGLERSCHMIDT

