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Report

drawn up on behalf of the Committee on Regional Policy, Regional Planning and Transport

on the proposal from the Commission of the European Communities to the Council (Doc. 263/76) for a directive on the approximation of the laws of the Member States relating to boats and their fittings

Rapporteur : Mr K. NYBORG

PE 47.227/fin.

By letter of 12 August 1976 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to boats and their fittings.

The President of the European Parliament referred this proposal to the Committee on Regional Policy, Regional Planning and Transport as the committee responsible and to the Committee on Economic and Monetary Affairs for its opinion.

On 30 September 1976 the Committee on Regional Policy, Regional Planning and Transport appointed Mr Nyborg rapporteur.

It considered this proposal at its meetings of 22 February 1977. At the same meeting, the committee adopted the motion for a resolution and explanatory statement with one vote against and two abstentions.

Present: Mr Evans, chairman; Mr Nyborg, vice-chairman and rapporteur; Mr Albers, Mr Bertrand (deputizing for Mr Martinelli), Mr Brugger, Mr Colin, Mr Giraud, Mr van der Gun, Mr Haase, Mr Hamilton, Mr Hoffmann, Mr Kavanagh, Mrs Kellett-Bowman, Mr Martens (deputizing for Mr Fuchs), Mr Mascagni, Mr Noé, Mr K. Nielsen, Mr Osborn, Mr Pistillo, Mr Schyns, Mr Schwabe (deputizing for Mr Ajello), Mr Seefeld and Mr Starke.

The opinion of the Committee on Economic and Monetary Affairs is attached.

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The Committee on Regional Policy, Regional Planning and Transport hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States relating to boats and their fittings.

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 263/76),
 - having regard to the report of the Committee on Regional Policy, Regional Planning and Transport and the opinion of the Committee on Economic and Monetary Affairs (Doc.575/76),
1. Is pleased that, following a series of directives on the approximation of the laws of the Member States relating to motor vehicles, a start is now also being made on the approximation of the provisions of the various Member States relating to boats and their fittings;
 2. Therefore approves the proposed directive.

¹ OJ No. C 198, 24.8.1976, p. 2

EXPLANATORY STATEMENT

1. With a view to the realization of the common market, the Council adopted on 28 May 1969, to supplement the abolition of customs duties and quantitative restrictions between Member States for a large number of products, a resolution establishing a programme for the elimination of technical obstacles to trade resulting from disparities between the laws, regulations or administrative provisions in the Member States¹.

2. In the transport sector, this phased removal of technical barriers to trade resulting from different legal and administrative provisions covered a long list of motor vehicle components.

Although the general programme of 1969 was confined, in the transport field, to motor vehicles, the Council adopted four years later on 21 May 1973, on a proposal from the Commission of the European Communities, a new resolution supplementing its first resolution² which included the sector 'pleasure boats (motorized and sailing)'.

3. The present proposal for a directive is limited to the approximation of the legal and administrative national provisions on individual parts, design features and fittings of one specific category of boats - 'pleasure craft'. An annex to the Commission's proposal contains a list of the individual parts, features and fittings to which this proposal applies.

4. The preamble to the proposal for a directive and the Commission's explanatory memorandum suggest that the provisions in force in this area in the various Member States are divergent (and these disparities may even increase in future); this hinders trade within the Community and distorts competition.

There is of course an obligation under Article 100 of the EEC Treaty for barriers to trade to be lifted.

5. The Committee on Regional Policy, Regional Planning and Transport welcomes this proposal for a directive in spite of its limited scope because it views it as a first step towards the introduction of a European-type craft.

¹ OJ No. C 76, 17.6.1969, p.1; for the sake of completeness it should be noted that on this date the Council also adopted a similar resolution on foodstuffs

² OJ No. C 38, 5.6.1973, p. 1

6. As is stated in the explanatory memorandum on the Commission's proposal, 'the method of approximation chosen is that of optional harmonization, with the possibility of subsequent total harmonization in certain clear-cut cases'.

The optional harmonization method allows the Member States to retain their own national provisions for the internal market alongside Community provisions.

7. Although the European Parliament has repeatedly criticized the optional formula and the Committee on Economic and Monetary Affairs also expresses its approval of total harmonization in its opinion, the Committee on Regional Policy, Regional Planning and Transport considers that an optional harmonization system is preferable for approximating the laws of the Member States relating to boats and their fittings.

8. In contrast to the motor vehicle sector, it appears that in this sector many of the smaller engineering firms do not export their products and hence cannot constitute a barrier to intra-Community trade.

The introduction of more stringent Community regulations would be accompanied, in the case of these small undertakings, by extra production costs, which would certainly not be desirable in these days of inflation and economic difficulty.

9. From the safety point of view it also seems desirable, in drawing up regulations, to take account of the different kinds of aquatic milieu in the Community.

10. The other provisions concerning, inter alia, the field of application, EEC type approval, EEC approval and the setting up of a Committee on the Adaptation to Technical Progress do not call for any particular comment and the Committee on Regional Policy, Regional Planning and Transport can therefore approve the proposal for a directive.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Letter from Mr Delmotte, draftsman, to Mr Evans, chairman of the Committee on Regional Policy, Regional Planning and Transport.

Brussels, 25 November 1976

Dear Mr Chairman,

At its meeting of 22/23 November 1976, the Committee on Economic and Monetary Affairs discussed the proposal for a directive on the approximation of the laws of the Member States relating to boats and their fittings (Doc. 263/76).

The proposal concerns the introduction of a procedure for EEC type-approval for individual parts, features or fittings of pleasure craft and an EEC approval procedure for these craft. The differing and sometimes widely divergent technical specifications in the various Member States and the inspections which have to be repeated in different forms for each importing Member State constitute an obstacle to intra-Community trade. The need to adapt production to the different technical specifications and inspection criteria inevitably raises production costs. The Committee on Economic and Monetary Affairs consequently approves the introduction of EEC type-approval and EEC approval as a means of removing this barrier to trade. However, the proposal for a directive merely provides for a procedure and needs to be supplemented by special directives laying down the technical specifications and testing methods. Work on these special directives should be started as soon as possible in order to eliminate the barriers to trade in this area.

The method chosen is that of optional harmonization, with the possibility of subsequent total harmonization in the case of certain special directives. In this connection the Committee on Economic and Monetary Affairs wishes to point out once again that in the long term it will always opt for total rather than optional harmonization to ensure the complete removal of trade barriers. Parliament prefers the system of total harmonization especially where the directives have implications for health protection and safety, as is clearly the case here, since the ultimate object of legislation in this field is to guarantee safety.

Kindly regard this letter as the opinion for your committee on the approximation of the laws of the Member States relating to boats and their fittings (Doc. 263/76), adopted unanimously¹.

(sgd) F. L. DELMOTTE
draftsman of the opinion

¹ Present: Mr Van der Hek, chairman; Sir Brandon Rhys Williams, vice-chairman; Mr Delmotte, draftsman; Lord Ardwick, Mr De Broglie, Mr Clerfaÿt, Lord Murray of Gravesend (deputizing for Mr Thornley), Mr Normanton, Mr Prescott and Mr Suck

