

EUROPEAN PARLIAMENT

Working Documents

1977 - 1978

12 April 1977

DOCUMENT 36/77

Report

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

on the 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 rear fog lamps for motor vehicles and their trailers (Doc. 516/76)
- II. a directive on the approximation of the laws of the Member States relating to reversing lamps for motor vehicles and their trailers (Doc. 516/76)
- III. a directive on the approximation of the laws of the Member States relating to parking lamps for motor vehicles and their trailers (Doc. 516/76)
- IV. a directive on the approximation of the laws of the Member States relating to the weights and dimensions of certain motor vehicles (Doc. 517/76)
- V. a directive on the approximation of the laws of the Member States relating to tyres for motor vehicles and their trailers (Doc. 518/76)
- VI. a directive on the approximation of the laws of the Member States relating to heating systems for the passenger compartment of motor vehicles (Doc. 521/76)
- VII. a directive on the approximation of the laws of the Member States relating to the wheel guards of motor vehicles (Doc. 521/76)
- VIII. a directive amending Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (Doc. 525/76)

Rapporteur: Mr K. NYBORG

PE 47.763/fin.

By letters dated 13, 14, 17 and 20 January 1976, the President of the Council of the European Communities asked the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposals from the Commission of the European Communities to the Council for eight directives on the following subjects:

- I. the approximation of the laws of the Member States relating to rear fog lamps for motor vehicles and their trailers (Doc. 516/76)
- II. the approximation of the laws of the Member States relating to reversing lamps for motor vehicles and their trailers (Doc. 516/76)
- III. the approximation of the laws of the Member States relating to parking lamps for motor vehicles and their trailers (Doc. 516/76)
- IV. the approximation of the laws of the Member States relating to the weights and dimensions of certain motor vehicles (Doc. 517/76)
- V. The approximation of the laws of the Member States relating to tyres for motor vehicles and their trailers (Doc. 518/76)
- VI. the approximation of the laws of the Member States relating to heating systems for the passenger compartment of motor vehicles (Doc. 521/76)
- VII. the approximation of the laws of the Member States relating to the wheel guards of motor vehicles (Doc. 521/76)
- VIII. the amendment of Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (Doc. 525/76).

The President of the European Parliament referred these proposals 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 24 January 1976 the Committee on Regional Policy, Regional Planning and Transport appointed Mr Nyborg rapporteur.

It considered these proposals at its meetings of 23 February and 30 March 1977.

On 30 March 1977 the committee adopted the motion for a resolution by 13 votes to one.

Present: Mr Evans, chairman; Mr Nyborg, vice-chairman and rapporteur; Mr McDonald, vice-chairman; Mr Albers, Mr Brugger, Mr Corrie, Mr Fuchs, Mr Hoffman, Mr Kavanagh, Mrs Kellelt-Bowman, Mr Mascagni, Mr Osborn, Mr Seefeld and Mr Zywiets.

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

CONTENTS

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	8
Opinion of the Committee on Economic and Monetary Affairs	16

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 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 rear fog lamps for motor vehicles and their trailers
- II. a directive on the approximation of the laws of the Member States relating to reversing lamps for motor vehicles and their trailers
- III. a directive on the approximation of the laws of the Member States relating to parking lamps for motor vehicles and their trailers
- IV. a directive on the approximation of the laws of the Member States relating to the weights and dimensions of certain motor vehicles
- V. a directive on the approximation of the laws of the Member States relating to tyres for motor vehicles and their trailers
- VI. a directive on the approximation of the laws of the Member States relating to heating systems for the passenger compartment of motor vehicles
- VII. a directive on the approximation of the laws of the Member States relating to the wheel guards of motor vehicles
- VIII. a directive on the amendment of Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council¹,

¹ OJ No. C 15, 20.1.1977, p.4
OJ No. C 25, 2.2.1977, p.2
OJ No. C 37, 14.2.1977, pp. 1, 22, 27, 31, 41 and 52

- having been consulted by the Council, pursuant to Article 100 of the EEC Treaty (Docs. 516/76, 517/76, 518/76, 521/76 and 525/76),
 - 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. 36/77),
1. Welcomes the fact that these eight proposals for directives represent another important step towards greater road safety and the complete removal of obstacles to trade resulting from divergent provisions on motor vehicles;
 2. Is also pleased that the Commission of the European Communities has taken as its basis the work of the Economic Commission for Europe in Geneva;
 3. Hopes that the Council will adopt, at an early date, the proposal for a directive on the dimensions and weights of all categories of commercial vehicles;
 4. Believes that, for reasons of road safety, Community measures on studded and retreaded tyres should be adopted as soon as possible;
 5. Approves the proposals for directives and urges the Council to adopt them without delay so that the EEC type-approval programme for motor vehicles can be completed as soon as possible;
 6. Requests the Commission, however, to adopt the following amendment to its proposal concerning wheel guards, pursuant to the second paragraph of Article 149 of the EEC Treaty.

Proposal concerning wheel guards

Preamble, recitals and articles unchanged

Annex I

1. PRESENCE

1.1. The motor vehicles must be provided with wheel guards (parts of the bodywork, mud-guards, dirt traps) which cover their wheels in order to protect the other road users against the throwing up of stones, wind, ice, snow, water etc.

Annex I

1. PRESENCE

1.1. The motor vehicles must be provided with wheel guards (parts of the bodywork, mud-guards) (two words deleted) which cover their wheels in order to protect the other road users against the throwing up of stones, wind, ice, snow, water etc.

Remainder of Annex I and Annex II unchanged

¹ See OJ No. C 37, 14.2.1977, p.27 for the complete text

EXPLANATORY STATEMENT

I. INTRODUCTION

1. The aim of these eight proposals for directives is to lay down the latest technical requirements with a view to the complete approximation of the laws of the Member States relating to motor vehicles.

2. The provisions on motor vehicles in force in the various Member States differ and, without harmonization, there is a risk that these differences will become even greater in the future.

Under Article 100 of the EEC Treaty, obstacles to trade arising from differences between the laws, regulations and administrative provisions of the Member States are to be eliminated. The eight proposals are therefore based on this article.

3. On the basis of that article, the Council has so far approved twenty-eight directives on the removal of technical obstacles to trade in the motor vehicle sector. The annex to this report contains a complete list of the Council's directives.

4. In addition to the present eight proposals and the twenty-eight Council directives, the Commission recently submitted to the Council a further three proposals for the harmonization of legislation (Doc. 435/76). These concerned windscreen wiper and washer systems, defrosting and demisting systems, and the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (identification of controls, tell-tales and indicators). On behalf of the Committee on Regional Policy, Regional Planning and Transport, Mr Seefeld drew up an opinion on these proposals for directives for the Committee on Economic and Monetary Affairs (PE 47.372).

II. COMMENTS ON THE INDIVIDUAL PROPOSALS FOR DIRECTIVES

(a) Rear fog lamps, reversing lamps and parking lamps for motor vehicles and their trailers

5. These proposals are confined to technical provisions relating to construction and testing since the Council adopted provisions last year on the installation of lighting and light-signalling devices on motor vehicles and their trailers (Council directive 76/756/EEC¹).

¹ OJ No. L 262, 27.9.1976, p.1.

6. The proposals contain the customary provisions relating to the obligatory exchange of information, the EEC type-approval procedure, the definition of the field of application of the directives, adaptation to technical progress, and the compulsory notification of the Commission of any implementing provisions adopted.

7. It would appear that only the provisions on rear fog lamps have caused any difficulties, the problem here being that the Belgian experts submitted a proposal of their own which, in contrast to the Commission's proposal, was not based on the relevant documents of the Economic Commission for Europe in Geneva. The Commission, however, gave preference to the latter.

According to the press release issued after the meeting of the Council of Transport Ministers on 10 and 11 December 1975 the Belgian delegation made a declaration on the compulsory installation of rear fog lamps on new vehicles used in Belgium¹.

Your committee hopes that the introduction of the present proposal for a directive does not involve Belgium in high extra costs if this is not strictly necessary for the liberalization of intra-Community trade or from the point of view of safety.

(b) Weights and dimensions of certain motor vehicles

8. This proposal for a directive is restricted to motor vehicles falling within category M₁, i.e. private motor vehicles and any other vehicle intended for passenger transport by road and having no more than nine seats.

9. It will be remembered that the Commission has already submitted two proposals (the first in 1963² and the second in 1971³) for Council directives on the dimensions and weights of commercial vehicles (goods vehicles and buses) and on certain supplementary technical requirements. The European Parliament approved these proposals on the basis of reports by Mr De Gryse (Doc. 58/63) and Mr Richarts (Doc. 173/11).

¹ PE 43.156, p.3

² Doc. VII COM(63) 131 fin.

³ OJ No. C90, 11.9.1971, p.25

This report is not the place to go into the 1963 and 1971 proposals. However, your rapporteur hopes that the Council will quickly find a satisfactory solution to this difficult problem.

In his resolution on behalf of the Committee on Transport, Mr Richarts quite rightly drew attention to the considerable importance of having maximum weights and dimensions for commercial vehicles in the Community, from the point of view of 'the regulation of competition, licensing and price and taxation policy in road transport, coordination between the various branches of the transport sector, safety, traffic conditions and competition in the car industry'.¹

10. As the Commission itself points out, when the proposal for a directive on the weights and dimensions of road vehicles of all categories finally comes into force, its provisions will replace or supplement those of the present proposal for a directive.

11. The proposal lays down the maximum permissible lengths, widths and heights of the vehicles concerned (11, 2.5 and 4 metres respectively). The maximum permissible laden weight is 3,500 kilograms, provided certain additional technical requirements are met.

12. In addition to the usual provisions, the proposal also places obligations on the Member States as regards type-approval certificates issued by other Member States in accordance with the requirements set out in the annex to the proposal for a directive.

(c) Tyres

13. This proposal governs the construction, testing and installation of tyres for motor vehicles belonging to category M₁. It covers both original and replacement tyres but does not apply to studded or retreaded tyres.

The proposal also provides for a Community procedure for granting an EEC type-approval mark. In addition, Member States may take certain measures if they find that a given tyre would be dangerous, even if that tyre meets the proposed Community requirements.

¹Report by Mr Richarts (Doc. 173/71), p. 5

14. In this connection, the Committee on Regional Policy, Regional Planning and Transport would urge the Commission also to work out Community standards for studded and retreaded tyres. Such action would appear to be urgently necessary both from the point of view of safety and to put an end to the present confusing situation. In a number of Member States studded tyres are permitted, in others they are forbidden for all vehicles and in still others they are forbidden for vehicles registered in the country itself. Moreover, the dates for the use of studded tyres differ and some Member States are considering amending their legislation on this matter in the near future.

Your committee can sympathize with the Commission's argument as regards studded tyres in its answer to a question by Mr Oele¹, where it draws attention to the divergent climatic conditions in the various regions of Europe. However, a minimum of uniformity would seem to be essential for the sake of trans-frontier road transport. Moreover, we can clearly not ignore the more rapid wear and tear on the road surface caused by studded tyres.

15. In November 1974, in its answer to a written question by Mr Herbert, the Commission stated that provisions on tyres 'would not be extended to retreads and snow-tyres until later'². Your committee not only believes that Community provisions in this field are necessary but also hopes that they will be brought into force as soon as possible.

(d) Heating systems for the passenger compartments of motor vehicles and wheelguards for motor vehicles

16. In contrast with the above points, neither of these items were included in the Council's outline directive of 6 February 1970³. They are to form the subject of special directives at a future date.

The proposal on heating systems for passenger compartments is designed to ensure that passengers are safe and comfortable while the directive on wheelguards will protect persons outside the vehicle from any stones, mud, or water which might be thrown up.

The provisions relating to wheel guards which form part of the bodywork must, in addition, guarantee that persons knocked down are not carried along by the wheels.

¹OJ No. C67, 17.8.1973, p. 27

²OJ No. C156, 10.12.1974, p. 16

³OJ No. L42, 23.2.1970, p. 1

17. The only amendment your rapporteur wishes to propose concerns the dirt traps provided for in the annex to the proposal for a directive. In Denmark, where these were made mandatory for a certain period, the hoped-for results were not forthcoming and, if anything, the fitting of dirt traps worked against road safety.

There is, therefore, little sense in introducing dirt traps into Community legislation and it is advisable to delete the passage concerned from the proposal for a directive.

(e) Type-approval of motor vehicles and their trailers

18. Experiences has shown that there is room for improvement in the Council's Directive of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, which entered into force on 11 August 1971 in the Member States as originally constituted, on 1 January 1973 in Denmark and on 1 July 1973 in Ireland and the United Kingdom.

19. The amendments proposed by the Commission relate to certain legal and technical aspects of the directive, giving, for example, a more precise definition of the procedure to be applied when a Member State decides to invoke the safeguard clause. Some amendments simply make improvements to the wording of the original text in order, for example, to clarify points in the technical annexes.

20. Important innovations are the proposed amendments whereby manufacturers will now be required to possess the necessary equipment for quality control, and the addition to the type-approval certificate of a new item relating to the fuel consumption of the vehicle concerned.

III. GENERAL CONSIDERATIONS

21. The European Parliament has not only consistently welcomed the proposals for the removal of technical obstacles to trade in the motor vehicle sector, it has also regularly insisted that uniform legislation on this matter should be adopted in the Community as quickly as possible.

Thus, it has repeatedly criticized the 'optional' harmonization system which the Commission has almost invariably advocated and which leaves the Member States free to maintain their own provisions relating to the domestic market in addition to Community provisions¹.

¹ See, inter alia, the reports by Mr Drouot L'Hermine (Doc. 128/66), Mr Cousté (Doc. 137/69 and 100/72), Mr Schwabe (Doc. 71/72 and Doc. 65/76), Mr Mitterdorfer (Doc. 323/74) and Mr Herbert (Doc. 44/76 and Doc. 364/74)

Optional harmonization, or the co-existence of two systems of legislation, is unacceptable in cases where it relates to products of which a relatively high percentage are exported. This is undeniably the case in the car industry.

22. This does not, however, mean that harmonization should be taken too far. As a general principle, harmonization should only be implemented if intra-Community trade is actually being adversely affected by divergent national laws, regulations or administrative provisions, or if road safety is threatened.

In his report on the proposal for a directive on the approximation of the laws of the Member States relating to the field of vision of motor vehicle drivers (Doc. 94/76), your rapporteur pointed out that, in view of the considerable importance of car exports, it was not desirable to make radical changes to motor vehicles intended for export to third countries if such could be avoided without any great difficulty.

23. From the point of view of the competitiveness of the Community's car industry, it is gratifying that the Commission took the work of the Economic Commission for Europe in Geneva as a basis for drawing-up its own proposals. For, by proceeding on the basis of the standards adopted by that body, the Community car industry can manufacture its products under the same conditions and at the same cost as other car manufacturers in a number of European countries which are not members of the Community.

24. It follows logically from this that there is a risk that distortion of competition will be caused by car industries based outside both the Community and the jurisdiction of the Economic Commission for Europe.

There can of course be no question of checks on manufacturers within the meaning of Article 2 of the proposal for a directive on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (Doc. 525/76).

With a view to avoiding unfair competition without adopting down-right protectionist measures such as non-tariff import restrictions, consideration should be given without delay to the possibility of concluding agreements with third countries exporting to the Community motor vehicles which do not meet Community requirements.

IV. CONCLUSIONS

25. During their exchange of views on 24 January 1977 with Mr Rodgers, President-in-Office of the Council of Transport Ministers, the members of the Committee on Regional Policy, Regional Planning and Transport noted with satisfaction that absolute priority was being given to the introduction of a Community type-approval procedure for motor vehicles.

Subject to the proposed amendment concerning wheel guards the Committee on Regional Policy, Regional Planning and Transport can therefore approve the eight proposals for directives under consideration and hopes that these directives will quickly be brought into effect so that the approximation of legislation in this important sector can be completed at an early date.

DIRECTIVES APPROVED BY THE COUNCIL

<u>Subject</u>	<u>Date</u>	<u>Published in OJ</u>		
		<u>No.</u>	<u>date</u>	<u>page</u>
1. Type-approval of motor vehicles and their trailers	6.2.1970	L 42	23.2.1970	1
2. Permissible sound level and the exhaust system of motor vehicles	6.2.1970	L 42	23.2.1970	16
3. The space for mounting and fixing rear registration plates on motor vehicles and their trailers	20.3.1970	L 76	6.4.1970	25
4. Liquid fuel tanks and rear protective devices for motor vehicles and their trailers	20.3.1970	L 76	6.4.1970	23
5. Measures to be taken against air pollution by gases from positive-ignition engines of motor vehicles	20.3.1970	L 76	6.4.1970	1
6. The steering equipment of motor vehicles	8.6.1970	L 133	18.6.1970	10
7. Audible warning devices	27.7.1970	L 176	10.8.1970	12
8. Doors	27.7.1970	L 176	10.8.1970	5
9. Rear-view mirrors	1.3.1971	L 68	22.3.1971	1
10. Breaking devices of certain categories of motor vehicles	26.7.1971	L 202	6.9.1971	37
11. Suppression of radio interference produced by spark-ignition engines	20.6.1972	L 152	6.7.1972	15
12. Measures to be taken against pollution caused by diesel engines	2.8.1972	L 190	20.8.1972	1
13. Devices to prevent the unauthorized use of motor vehicles	17.12.1973	L 38	11.2.1974	22
14. Interior fittings of motor vehicles (Interior parts of the passenger compartment other than the interior rear-view mirrors, laying out of controls, the roof or sliding roof, the backrest and rear part of the seats)	17.12.1973	L 38	11.2.1974	2

15. Adjustment of Council Directive No. 70/220/EEC on pollution by gases from positive-ignition engines	28. 5.1974	L 159	15. 6.1975	63
16. The interior fittings of motor vehicles (protection of the driver against the steering mechanism in the event of impact)	4. 6.1974	L 165	20. 6.1974	16
17. Interior fittings of motor vehicles (strength of seats and of their anchorages)	22. 7.1974	L 221	12. 8.1974	1
18. External projections of motor vehicles	17. 9.1974	L 266	2.10.1974	4
19. Reverse and speedometer equipment of motor vehicles	26. 6.1975	L 196	26. 7.1975	1
20. Statutory plates and inscriptions for motor vehicles and their trailers, and their location and method of attachment.	18.12.1975	L 24	30. 1.1976	1
21. Anchorages for safety belts of motor vehicles	18.12.1975	L 24	30. 1.1976	6
22. Installation of lighting and light signalling devices.	27. 7.1976	L 262	27. 9.1976	1
23. Construction of reflectors	27. 7.1976	L 262	27. 9.1976	32
24. End outline marker lamps, front position (side) lamps, rear position (side) lamps and stop lamps	27. 7.1976	L 262	27. 9.1976	54
25. Direction indicators	27. 7.1976	L 262	27. 9.1976	71
26. Rear registration plate lamps	27. 7.1976	L 262	27. 9.1976	85
27. Main beam and dipped beam headlamps (and electric filament bulbs for such headlamps)	27. 7.1976	L 262	29.9.1976	96
28. Front fog-lamps (including filament lamps for such lamps)	27. 7.1976	L 262	27. 9.1976	122

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Draftsman: Mr F.L. DELMOTTE

On 15 February 1977 the Committee on Economic and Monetary Affairs appointed Mr Delmotte draftsman.

The committee considered the draft opinion on 17 March 1977 and adopted it unanimously.

Present: Mr Glinne, chairman; Mr Notenboom and Sir Brandon Rhys Williams, vice-chairmen; Mr Delmotte, draftsman of the opinion (deputizing for Mr van der Hek); Lord Ardwick, Mr Guldberg, Mr Hougardy, Mr Jakobsen, Mr de Keersmaeker, Mr Normanton and Mr Nyborg.

1. In the memorandum annexed to the statement made by Mr JENKINS, President of the Commission, on the work programme for 1977, the Commission lists as one of its principal objectives in the elimination of technical barriers to trade the adoption by the Council of the last batch of directives on motor cars, in order to establish fully the EEC type-approval system. There are eleven of these directives still pending. The proposals for three of them (Doc. 435/76) were referred to the Committee on Economic and Monetary Affairs as the committee responsible; the same committee was asked to deliver an opinion on the remaining eight, which are the ones we are concerned with here.

2. The Committee on Economic and Monetary Affairs wholeheartedly supports the Commission in its efforts to introduce as soon as possible a full EEC type-approval system for motor vehicles, which will eliminate the technical barriers to intra-Community trade in motor vehicles so that the objective of a common market in this sector will to a large extent be realized. Your committee therefore approves the eight Commission proposals, which are all aimed at eliminating the technical barriers to trade in the motor car sector.

3. The object of the proposal to amend Directive 70/156/EEC on type-approval of motor vehicles and their trailers (Doc. 525/76) is to improve the directive currently in force in the light of the experience acquired to date with the type-approval system. Only legal and technical aspects are involved which do not call for any comments of an economic nature. The Committee on Economic and Monetary Affairs therefore approves this proposal for a directive.

4. The remaining proposals for directives concern various aspects of the harmonization of the laws of the Member States relating to motor vehicles. The Committee on Economic and Monetary Affairs does not consider it part of its duties to comment on the technical details of the various proposals, and wishes merely to make a few observations concerning the proposals in general.

5. The method of harmonization chosen for these proposed directives is that of optional harmonization, which means that Community and national legislations will continue to exist side by side. This method of harmonization does not necessarily eliminate all distortions of competition resulting from the differences between national legislations. The Committee on Economic and Monetary Affairs appreciates that harmonization for the sake of harmonization should not be the aim. Where the proposals involve the safety of consumers, however, the committee has repeatedly stated its preference for the system of total harmonization. The majority of the proposals concerned do affect the safety of road users, and it is consequently regrettable that the Commission should have proposed only optional harmonization, especially as total harmonization would not have entailed any

major problems for producers. The motor car industry exports a large part of its production and, since its outlets usually extend well beyond national frontiers, producers are in practice obliged to adapt part of their production to EEC standards. They should therefore find it to their advantage to adapt their entire production to the same standards, unless national standards mean a considerable reduction in costs - in all probability at the expense of safety.

6. In formulating the proposed standards, the Commission has taken account of the harmonization work accomplished by the Economic Commission for Europe in Geneva. The selection of standards of wider international validity will facilitate the marketing of motor vehicles by Community producers in third countries, since these producers will not have to bear the additional cost of adapting their production to different standards for exports to third countries. They will consequently be able to compete on an equal footing with producers in these third countries. The Committee on Economic and Monetary Affairs therefore fully approves the Commission's decision to use these standards, which enjoy the largest possible measure of international currency, as the basis for its own.

7. Subject to the reservations expressed above concerning the method of harmonization, the Committee on Economic and Monetary Affairs approves these proposals.