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Report

drawn up on behalf of the Legal Affairs Committee

on the proposal from the Commission of the European Communities to the Council (Doc. 291/72) for a directive on the approximation of the laws of the Member States relating to the type approval of mopeds

Rapporteur: Mr A. BERMANI

PE 32.532/fin.

By letter of 6 February 1973 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 the type approval of mopeds.

By letter of 12 February 1973 the President of the European Parliament referred this proposal to the Legal Affairs Committee as the committee responsible and to the Committee on Economic and Monetary Affairs for its opinion.

The Legal Affairs Committee appointed Mr Bermani rapporteur on 22 February 1973.

The committee discussed this proposal at its meeting of 16 May 1973.

At the same meeting the following motion for a resolution and explanatory statement were adopted by 15 votes in favour and one abstention.

The following were present: Mr Jozeau-Marigné, vice-chairman and acting chairman; Mr Bermani, vice-chairman and rapporteur; Mr Armengaud, Mr Bangemann, Mr Brewis, Mr Broeks, Mr Brugger, Mr Corterier, Mr Duval, Mr Héger, Mr Hougardy (deputizing for Mr Pianta), Mr Lautenschlager, Mr Memmel, Mr Outers, Mr Schwörer, Mr Vermeylen.

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

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The Legal Affairs Committee 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 the type approval of mopeds

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM (72) 1645 fin),
 - having been consulted by the Council, pursuant to Article 100 of the EEC Treaty (Doc. 291/72),
 - having regard to the report of the Legal Affairs Committee and the opinion of the Committee on Economic and Monetary Affairs (Doc. 71/73),
1. Congratulates the Commission on its unceasing efforts to harmonize Member States' legislations with a view to eliminating technical barriers to trade;
 2. Approves the Commission's proposal in its entirety;
 3. Recommends that the Commission extend the scope of this directive to include mopeds powered by electric motors, in view of the fact that such motors are less noisy than heat engines and do not pollute the air;
 4. Invites the Commission to consider the desirability of fixing a definite time-limit for notifying changes made in the information documents of mopeds referred to in Article 6 of the proposal, in the same way as the proposal provides for the notification of changes made in type approval certificates;
 5. Further invites the Commission, pursuant to the second paragraph of Article 149 of the EEC Treaty, to make the following amendment to Article 9 of the proposal;
 6. Urges the Commission to elaborate within the framework of Article 9, an appropriate formula for taking in good time such steps as the situation envisaged in that Article might call for in the interests of both road safety and intra-Community trade;
 7. Finally, requests the Commission to expedite its efforts to regulate at Community level the maximum levels admissible for the noise and air pollution generated by mopeds;

8. Instructs its President to forward this resolution and the accompanying explanatory statement to the Council and Commission of the European Communities.

Proposal from the Commission of the European
Communities to the Council for a directive on
the approximation of the laws of the Member
States relating to the type approval of mopeds

Preamble, recitals and Articles 1 to 8 unchanged

Article 9

If a Member State finds that mopeds of a particular type are a hazard to road safety although they are accompanied by a properly issued certificate of conformity, then that State may, for a maximum period of six months, refuse to register such vehicles or prohibit their sale, entry into service or use in its territory. It shall forthwith inform the other Member States and Commission thereof, stating the reasons on which its decision is based.

Article 9

If a Member State finds that mopeds of a particular type are a hazard to road safety although they are accompanied by a properly issued certificate of conformity, then that State may (seven words deleted) refuse to register such vehicles or prohibit their sale, entry into service or use in its territory. It shall forthwith inform the other Member States and Commission thereof, stating the reasons on which its decision is based.

Articles 10 to 14 unchanged

ANNEXES I, II and III unchanged

1. For full text, see COM(72) 1645 final

EXPLANATORY STATEMENTI. Comments on the proposed directive

1. For the purpose of promoting road safety, Member States have laid down various checks on mopeds, in particular through the type approval procedure which consists in verifying whether prototypes and certain components or characteristics of the mopeds conform to the national specifications for their design and operation.

Where mopeds are exported these checks must be repeated in the importing Member States, and this is obviously an obstacle to trade.

The Commission's proposal aims at overcoming this obstacle by introducing a Community type approval procedure. This procedure, involving reciprocal recognition of checks, will make free trading in mopeds possible within the Community.

2. The proposed directive was drafted in implementation of the general programme approved by the Council on 18 May 1969¹ for eliminating technical obstacles to trade caused by disparities in the provisions laid down in Member States by law, regulation or administrative action.

3. The committee notes that the choice of Article 100 of the EEC Treaty as the legal basis for this proposal is justified.

4. As regards the content of the proposed directive, the committee points out in the first place that, in certain Member States, mopeds powered by an electric motor have been developed. Such motors are quieter than a heat engine and, moreover, do not pollute the air. It would therefore be desirable for the Commission of the European Communities to consider the expediency of extending the scope of the present directive to include this type of moped.

5. In the second place, Article 6 of the proposal lays down a definite time-limit, viz. one month, within which any changes made in the type approval certificates of mopeds must be notified to the appropriate authorities of the Member States. That article does not, however, specify any time-limit for notifying changes made in the information documents of mopeds.

The committee believes that a definite time-limit should also be fixed for the notification of changes made in information documents, so as to prevent undue delay in the making of such notifications. The committee therefore invites the Commission to examine this question and, possibly, to amend Article 6 accordingly.

6. Article 9 provides that, if a Member State finds that mopeds of a given type, even though accompanied by a certificate of conformity issued in due

¹ OJ No. 76, 17 June 1969

form, are a danger to road safety, it may for a period not exceeding six months refuse to register them and forbid them to be sold, put into service or used on its territory.

In the committee's opinion there is no justification for imposing a time-limit of six months on such a measure. If a moped is in fact a danger to road safety, that danger will not have disappeared six months after the Member State took its decision.

On the other hand, it does seem desirable to ensure that Member States do not misuse the power to prevent for an indefinite period the marketing on their own territory of mopeds from other Community countries. For this reason the Commission should try to devise a formula enabling such steps as may prove necessary both for road safety and for liberalizing intra-Community trade to be taken in good time.

7. The committee noted, in its study of the proposed directive, that the maximum levels admissible for the noise and air pollution generated by mopeds have not yet been regulated at Community level.

The Commission's representative pointed out that work had already been started on this aspect.

This being so, the committee expressed the hope that the work in question would be expedited and completed as soon as possible.

II. Conclusion

8. This directive will permit further progress towards the elimination of technical obstacles to intra-Community trade, and the committee approves it in its entirety.

The Committee on Economic and Monetary Affairs has also approved it.

Subject to the comments made above and the proposed amendment to Article 9, the committee therefore recommends the European Parliament to deliver a favourable opinion.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Letter from Mr Edwin LANGE to Mr Tiemen BROUWER, Chairman
of the Legal Affairs Committee

Dear Mr Brouwer,

On 5 April 1973 the Committee on Economic and Monetary Affairs examined the proposal for a directive on the approximation of the laws of the Member States relating to the type approval of mopeds. On the basis of the facts set out by the draftsman of the opinion, Mr BOS, the committee noted that the action envisaged by the proposed directive is aimed at eliminating certain obstacles to trade by applying a type approval procedure throughout the Community. The 'alternative solution' adopted as a means of harmonization has been explicitly approved by the committee since it will facilitate the introduction of the Community type approval procedure in the 9 Member States. The committee was further of the opinion that the maintenance of certain national regulations alongside Community regulations would not necessarily distort competition.

The Committee on Economic and Monetary Affairs, pursuant to the task assigned to it on 12 February, unanimously recommends the Legal Affairs Committee to approve this proposal for a directive.¹

Yours sincerely,

(sgd) Erwin LANGE

¹ The following were present: Mr Lange, chairman; Mr Bos, vice-chairman and draftsman of the opinion; Mr Rhys Williams, vice-chairman; Mr Artzinger, Mr Bousch, Mr Federspiel, Mr Johnston, Mr Krall, Mr Mitterdorfer, Mr Normanton, Lord Reay, Mr Schwörer and Mr Starke.