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DOCUMENT 221/73

Report

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drawn up on behalf of the Committee on Public Health and the Environment

on the proposals from the Commission of the European Communities to the
Council (Doc. 293/72) for

- I. a directive with a view to harmonizing the legislation on common measures of the Member States with regard to pressure vessels and methods of control of vessels
- II. a directive on the approximation of the laws of the Member States relating to seamless steel gas cylinders

Rapporteur : Mr Knud BRO

PE 33.984/fin.

By letter of 6 February 1973 the President of the Council of the European Communities consulted the European Parliament, pursuant to Article 100 of the EEC Treaty, on the proposals from the Commission of the European Communities to the Council for

- I. a directive on the approximation of Member States' legislation on common measures with regard to pressure vessels and methods of controlling them.
- II. a directive on the approximation of Member States' legislation on seamless steel gas cylinders.

On 12 February 1973 Parliament referred this proposal to the Committee on Public Health and the Environment as the committee responsible and to the Legal Affairs Committee for an opinion.

The Committee on Public Health and the Environment appointed Mr BRO rapporteur on 10 April 1973.

It considered the proposals at its meetings of 14 May, and 25 September and unanimously adopted the draft report at its meeting of 29 October 1973.

The following were present: Me Della Briotta, Chairman; Mr Scott-Hopkins, Vice-Chairman deputizing for the Rapporteur; Mr Brégère, Mr Creed, Sir Douglas Dodds-Parker, Mr Duval, Mr Eisma, Mr Gibbons, Mr Lagorce, Mr Kavanagh (deputizing for Mr Christensen), Mr Martens, Mr Müller, Mr Noé, Mr Petersen, Mr Premoli, Mr Vernaschi and Mr Walkhoff.

The opinion of the Legal Affairs Committee is attached.

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The Committee on Public Health and the Environment 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

- a directive on the approximation of Member States' legislation on common measures with regard to pressure vessels and methods of controlling them
- a directive on the approximation of Member States' legislation on seamless steel gas cylinders

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council, (COM(72) 1689 fin.),
 - having been consulted by the Council pursuant to Article 100 of the Treaty establishing the EEC (Doc. 293/72),
 - having regard to the report of the Committee on Public Health and the Environment and the opinion of the Legal Affairs Committee (Doc. 221/73).
1. Welcomes the Commission's proposal to harmonize the divergent national provisions and requirements by establishing a legislative framework;
 2. Shares the Legal Affairs Committee's incomprehension that the 'optional solution' still allows the application of national regulations which technical advances have made almost entirely obsolete;
 3. Expresses doubt as to the viability of the inspection authorities referred to in Article 13;
 4. Considers that the directive on the approximation of the laws of the Member States relating to seamless steel gas cylinders merely lays down implementing regulations;
 5. Approves the Commission's proposals in principle as a transitional solution, but insists that, within a reasonable time, it should submit a new proposal for a directive aiming at complete harmonization;

6. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities.

EXPLANATORY STATEMENT

1. These proposals for directives face the Commission with the problem of laying down production norms which guarantee protection and quality without impeding technical progress.

The Commission has attempted to evade the problem by keeping the directives as general as possible and referring to special directives to be drafted subsequently; in certain respects this seems a very sensible way of dealing with such a heterogeneous product.

2. Another potential problem lies in the preference for the 'optional solution' according to which Community provisions supplement national regulations, not replace them. Here the Committee on Public Health and the Environment fully subscribes to the Legal Affairs Committee's opinion. However, it lays great stress on the European Parliament's request to be consulted within a reasonable time on a new proposal for a directive aiming at complete harmonization, since the present proposal is acceptable only as a transitional solution.

3. The directive on the approximation of the laws of the Member States relating to seamless steel gas cylinders is simply an implementing regulation and therefore requires no further comment.

Opinion of the Legal Affairs Committee

Letter of 22 February 1973 from the Chairman of the Legal Affairs Committee, Mr Tiemen BROUWER, to Mr Josef MULLER, Chairman of the Committee on Social Affairs and Public Health.

Dear Mr Chairman,

I hereby inform you on behalf of the Legal Affairs Committee, which has been asked for its opinion, that it considered the proposals (Doc. 293/72) for

- I. a directive with a view to harmonizing the legislation on common measures of the Member States with regard to pressure vessels and methods of control of vessels, and
- II. a directive on the approximation of the laws of the Member States relating to seamless steel gas cylinders,

at its meeting of 22 February 1973.

The committee concluded that these proposals present no particular legal problems. As on previous occasions, however, it points out that it prefers complete harmonization to the alternative solution. Under the alternative solution national law remains valid alongside Community law in each Member State. The European Parliament has already on many previous occasions taken the view that to have two such laws existing side by side can be justified only for a transitional period, when this appears necessary to give the industry concerned a chance to adapt itself without undue hardship to Community regulations. In this process of adaptation financial considerations should not be of overriding importance, since in any case every industrial undertaking has to modernize its plant after a certain time.

The Legal Affairs Committee approved these proposals unanimously¹ without amendment.

The committee has instructed me to forward this opinion to the Committee on Social Affairs and Public Health through this letter.

Yours sincerely,

¹The following were present: Mr Brouwer, chairman; Mr Jozeau-Marigné, vice-chairman; Mr Aigner (deputizing for Mr Memmel), Mr Brewis, Mr Broeksz, Mr Brugger, Mr De Sanctis, Mr Dittrich, Mr Héger, Mr Lautenschlager, Mr Meister, Mrs Nielsen, Mr Outers, Mr Reischl, Mr Scelba, Mr Springorum, Mr Vermeylen and Mr Vernaschi.