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Report

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

on the proposal from the Commission of the European Communities to the Council (Doc. 100/73) for a Directive on the approximation of the laws of the Member States relating to cold-water meters

Rapporteur: Mr Lothar KRALL

By letter of 5 June 1973 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the 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 cold-water meters.

On 26 June 1973 the President referred this proposal to the Committee on Economic and Monetary Affairs as the committee responsible and to the Legal Affairs Committee for its opinion.

The Committee on Economic and Monetary Affairs appointed Mr KRALL rapporteur on 13 July 1973.

It discussed the proposal at its meeting of 5 November 1973 and unanimously adopted the motion for a resolution; it also decided to request a vote without debate on this motion for a resolution, pursuant to Rule 27 of the Rules of Procedure.

The following were present: Mr Lange, chairman; Mr Notenboom, vice-chairman; Sir Brandon Rhys Williams, vice-chairman; Mr Krall, rapporteur; Mr Berthoin, Mr Bousch, Mr Burgbacher, Mr Harmegnies, Mr van der Hek, Mr Kater, Mr Leenhardt, Mr Normanton, Mr Schmidt (deputizing for Mr Arndt), Mr Scholten, Mr Schwörer, Mr Starke, Mr Thornley and Mr Yeats.

The opinion of the Legal Affairs Committee is attached.

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The Committee on Economic and Monetary Affairs hereby submits to the European Parliament the following motion for a resolution, on which an explanatory statement will be given in oral form:

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 cold-water meters

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council ¹,
- having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 100/73),
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Legal Affairs Committee (Doc.235/73),

1. Recalls that the programme to eliminate technical barriers resulting from differences in legislation and administrative regulations among the Member States was not carried out within the planned time limits;
2. Regrets that this delay is in large measure attributable to the slowness of the Council's adoption procedure;
3. Recalls that the Final Communiqué of the Heads of State or Government at the Paris Summit Conference in October 1972, in its section on industrial policy, stresses the need to eliminate technical barriers to trade within the Community as soon as possible in order to establish a single industrial base for the Community as a whole;

¹ OJ No. C 90, 26 October 1973, p. 47

therefore requests the Council finally to adopt the proposals for directives on this question submitted to it by the Commission of the European Communities;

4. Notes furthermore with regret that the Commission itself is not keeping to its programme relating to the elimination of technical barriers to trade; therefore requests it to speed up its work and if necessary increase the staff of the departments concerned;
5. Shares the opinion of the Commission of the European Communities that its harmonization system, the so-called alternative system, is justified in view of the serious difficulties which would arise in implementing the total harmonization system at the present time;
6. Nevertheless requests the Commission to take the steps required to have total harmonization introduced as rapidly as possible;
7. Approves the Commission's proposal;
8. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from the Chairman, Mr SCHUIJT, to Mr LANGE, Chairman
of the Committee on Economic and Monetary Affairs

Dear Mr Chairman,

At its meeting of 6 September 1973, in Brussels, the Legal Affairs Committee considered 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 cold-water meters (Doc. 100/73), the content of which falls within the terms of reference of the Committee on Economic and Monetary Affairs.

The committee which I have the honour to chair expressed a favourable opinion on the proposal, with the two following reservations.

First, the Legal Affairs Committee is of the opinion that the Commission of the European Communities was justified in choosing the optional harmonization system in view of the difficulties which would arise in implementing the total harmonization system at the present time.

It maintains, however, that a genuine common market cannot be said to exist where a multiplicity of legal systems continue to apply. It therefore hopes that, in the draft resolution to be submitted to the European Parliament, your Committee will urge the Commission to take the steps required to have total harmonization introduced as rapidly as possible.

Secondly, the Legal Affairs Committee noted that the proposed directive, unlike other proposals aimed at eliminating technical obstacles to trade, does not provide for an appeal procedure.

The Legal Affairs Committee thinks it would be wise to make good this omission, unless the Commission can show that such a procedure is unnecessary.

This opinion was adopted unanimously¹.

Yours sincerely,

(sgd.) Willem J. SCHUIJT .

¹ The following were present: Mr Jozeau-Marigné, deputy chairman; Mr Bermani, deputy chairman; Mr Berthoin (deputizing for Mr Armengaud), Mr Brewis, Mr Brugger, Mr Corterier, Mr D'Angelosante, Mr Harmegnies (deputizing for Mr Ballardini), Mr Héger, Mr Lautenschlager, Mrs Nielsen, Mr Radoux (deputizing for Mr Vermeyleylen), Mr Rivierez, Mr Scelba, Mr Schwörer, Mr Springorum, Mr Vernaschi, Sir Derek Walker-Smith.