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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. 101/73) for a Directive on the ~~the~~ approximation of the laws of the Member States relating to continuous totalizing weighing machines

Rapporteur : Mr Helmut KATER

PE 33.988/fin.

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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, for its 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 continuous totalizing weighing machines.

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 KATER rapporteur on 13 July 1973.

At its meeting of 5 November 1973 it discussed the proposal 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 Kater, rapporteur; Mr Berthoin, Mr Bousch, Mr Burgbacher, Mr Harmegnies, Mr van der Hek, Mr Krall, 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 orally:

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 continuous totalizing weighing machines

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 Treaty (Doc. 101/73);
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Legal Affairs Committee (Doc. 236 /73);
1. Recalls that the programme for eliminating technical barriers to trade resulting from the disparity between the laws and administrative provisions of the Member States has not been implemented within the specified time;
 2. Regrets that this delay is attributable in no small measure to the slow decision-making procedure in the Council;
 3. Recalls that the final communiqué of the Paris Summit Conference of the Heads of State or Government in October 1972 confirms in the section devoted to industrial policy, the need to eliminate technical barriers to intra-Community trade as soon as possible, in order to establish an identical institutional base for the Community as a whole; urges the Council, therefore, finally to act on the proposals for directives on this matter presented by the Commission of the European Communities;
 4. Notes with regret that the Commission has also failed to adhere to its timetable for eliminating technical barriers to trade and therefore urges it to accelerate its work and, if necessary, to allocate additional staff to the departments concerned;
 5. Agrees with the Commission of the European Communities that the harmonization method it has chosen, namely the 'alternative' solution

¹ OJ No. C 90, 26 October 1973, p. 54

is appropriate in view of the serious problems which total harmonization would raise;

6. Nevertheless urges the Commission to prepare the way for total harmonization as soon 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 the Chairman of the Committee on Economic and Monetary Affairs, Mr LANGE.

Dear Mr Chairman,

At its meeting in Brussels on 6 September 1973, the Legal Affairs Committee discussed 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 continuous totalizing weighing machines (Doc. 101/73), which was referred to the Committee on Economic and Monetary Affairs as the committee responsible.

The committee, of which I am Chairman, approved the proposal subject to the following two observations:

Firstly, the Legal Affairs Committee agrees that the 'alternative' method of harmonization chosen by the Commission is justified in view of the problems which 'total' harmonization would create in present circumstances.

Nevertheless it believes that there can be no genuine common market as long as a great number of differing legal provisions are permitted. It therefore hopes that, in the motion for a resolution which it is to submit to Parliament, your committee will request the Commission of the European Communities to prepare the way for total harmonization as soon as possible.

Secondly, the Legal Affairs Committee has noted that the proposal for a directive does not stipulate a specific procedure to be followed in the event of legal disputes, although such a procedure is included in other proposals for directives on the elimination of technical barriers to trade.

The Legal Affairs Committee considers that such a provision should be added, unless the Commission of the European Communities can show that it is unnecessary.

This opinion was adopted unanimously, with one abstention.¹

Yours sincerely,

Willem J. Schuijt

¹ The following Members were present: Mr JOZEAU-MARIGNE, Vice-Chairman; Mr BERMANI, Vice-Chairman; Mr BERTHOIN (deputizing for Mr Armengaud); Mr BREWIS, Mr BRUGGER, Mr CORTERIER, Mr D'ANGELOSANTE, Mr HARMEGNIES (deputizing for Mr Ballardini); Mr HEGER, Mr LAUTENSCHLAGER, Mrs NIELSEN, Mr RADOUX (deputizing for Mr Vermeylen), Mr RIVIEREZ, Mr SCELBA, Mr SCHWOERER, Mr SPRINGORUM, Mr VERNASCHI, Sir Derek WALKER-SMITH.

