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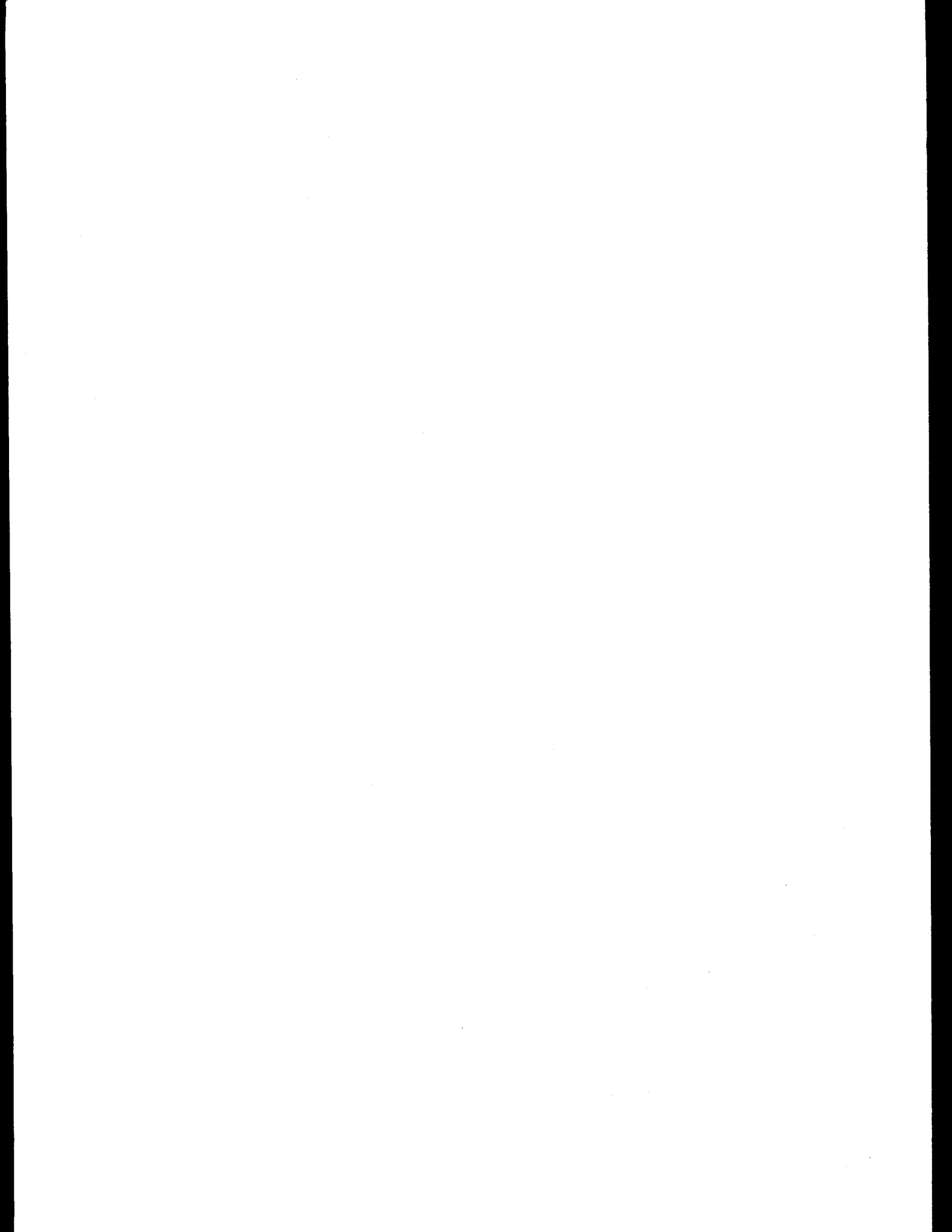
drawn up on behalf of the Committee on Regional Policy and Transport

on the proposals from the Commission of the European Communities to the Council for four directives concerning the approximation of the laws of the Member States relating to:

1. the installation of lighting and light signalling devices on motor vehicles and trailers (Doc. 332/73)
2. fog lights for motor vehicles (Doc. 333/73)
3. the external projections of motor vehicles (Doc. 341/73)
4. reflex reflecting devices for motor vehicles and their trailers (Doc. 348/73)

Rapporteur: Mr Michael HERBERT

PE 36.512/fin.



By letters dated 16, 17, 22 and 29 January 1974, the President of the Council of the European Communities requested the opinion of 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 four directives concerning the approximation of the laws of the Member States relating to:

1. the installation of lighting and light signalling devices on motor vehicles and trailers (Doc. 332/73)
2. fog lights for motor vehicles (Doc. 333/73)
3. the external projections of motor vehicles (Doc. 341/73)
4. reflex reflecting devices for motor vehicles and their trailers (Doc. 348/73)

On 7 and 8 February 1974 the President of the European Parliament referred these proposals to the Committee on Regional Policy and Transport as the committee responsible and to the Legal Affairs Committee and the Committee on Economic and Monetary Affairs for their opinions.

The Committee on Regional Policy and Transport appointed Mr Herbert rapporteur on 6 March 1974. It considered these proposals at its meeting of 9 and 10 April 1974.

At this meeting the committee adopted the motion for a resolution and the explanatory statement by ten votes in favour with two abstentions.

The following were present:

Mr Seefeld, chairman, Mr Herbert, rapporteur, Mr Delmotte, Mr Eisma, Mr Fabbrini, Mr Kavanagh, Mr Kolwelter, Mr Liogier, Mr Nyborg, Mr Pounder, Mr Scholten and Mr Schwabe.

The opinions of the Legal Affairs Committee and the Committee on Economic and Monetary Affairs are attached.

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A.

The Committee on Regional Policy 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 four directives concerning the approximation of the laws of the Member States relating to:

1. the installation of lighting and light signalling devices on motor vehicles and trailers
2. fog lights for motor vehicles
3. the external projections of motor vehicles
4. reflex reflecting devices for motor vehicles and their trailers.

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council¹;
- having been consulted by the Council pursuant to Article 100 of the Treaty establishing the EEC (Doc. 332/73, 333/73, 341/73, 348/73);
- having regard to the report of the Committee on Regional Policy and Transport and the opinions of the Legal Affairs Committee and the Committee on Economic and Monetary Affairs (Doc. 44/74);
- considering that the trade circles concerned have generally been consulted by the Commission when drawing up its proposals for directives;
- considering that the Commission has referred² to the results of the work carried out by the United Nations Economic Commission for Europe in Geneva, in which the Member States participated;
- recalling that it has already stressed the need to limit the period of applicability of the 'optional' system for road-safety reasons and that there is a need for unified Community legislation;³

¹ COM(73) 2034 final and OJ No. C 35, 28.3.1974, pp. 32, 23 and 45.

² Doc. 333/73/Ann., Doc. 341/73/Ann., Doc. 348/73/Ann.
The work of the Economic Commission for Europe is insufficiently advanced to be used as a model for Doc. 332/73; the Economic Commission for Europe will instead use the Council Directive as a reference source.

³ Resolution published in OJ No. C 160, 18.12.1969, p.8.

1. Demands that the Council adopt these important proposals for directives as soon as possible;
2. Considers that the 'optional' system introduced in the proposals from the Commission of the European Communities to the Council should be applicable for a limited period only so that unified Community legislation for all the Member States can be enacted at a later stage;
3. Invites the Commission to adopt the following amendments pursuant to Article 149 (2) of the EEC Treaty;
4. Instructs its President to forward this resolution and the report of its committee to the Council and the Commission of the European Communities

1. Proposal for a Council Directive on the approximation of the laws of Member States relating to the installation of lighting and light signalling devices on motor vehicles and trailers

Preamble and recitals unchanged

Articles 1 to 5 unchanged

Article 6

1. The Member States shall adopt and publish the provisions needed in order to comply with this Directive before 1 January 1975 and shall forthwith inform the Commission thereof.

They shall apply these provisions from 1 October 1975.

2. As soon as this Directive has been notified, the Member States shall take care to inform the Commission, in sufficient time to enable it to submit its comments, of any subsequent draft laws, regulations or administrative provisions which they intend to adopt in the field covered by the Directive.

Article 6

1. Unchanged

2. Unchanged

3. The Commission shall subsequently submit to the Council a further proposal for the adoption of a single Community system for all the Member States

Article 7 unchanged

¹ See COM (73) 2024 final for the complete text

2. Proposal for a Council Directive on the approximation of the laws of
Member States relating to fog lights for motor vehicles.

Preamble and recitals unchanged

Articles 1 to 10 unchanged

Article 11

1. The Member States shall adopt and publish the provisions needed in order to comply with this Directive before 1 January 1975 and shall forthwith inform the Commission thereof. They shall apply these provisions from 1 October 1975.
2. As soon as this Directive has been notified, the Member States shall take care to inform the Commission, in sufficient time to enable it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by the Directive.

Article 11

1. Unchanged
2. Unchanged
3. The Commission shall subsequently submit to the Council a further proposal for the adoption of a single Community system for all the Member States.

Article 12 unchanged

¹ See OJ No. C 35, 28.3.1974, p. 32 for the complete text

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3. Proposal for a Council Directive on the approximation of the laws of Member States relating to the external projections of motor vehicles.

Preamble and recitals unchanged

Articles 1 to 5 unchanged

Article 6

1. The Member States shall adopt and publish the provisions needed in order to comply with this Directive before 1 January 1975 and shall forthwith inform the Commission thereof.

They shall apply these provisions from 1 October 1975.

2. As soon as this Directive has been notified, the Member States shall inform the Commission, in sufficient time to enable it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by the Directive.

Article 6

1. Unchanged.

2. Unchanged

3. The Commission shall subsequently submit to the Council a further proposal for the adoption of a single Community system for all the Member States

Article 7 unchanged

¹ See OJ No. C 35, 28.3.1974, p. 23 for the complete text.

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4. Proposal for a Council Directive on the approximation of the laws of Member States relating to reflex reflecting devices for motor vehicles and their trailers.

Preamble and recitals unchanged

Articles 1 to 10 unchanged

Article 11

1. The Member States shall adopt and publish the provisions needed in order to comply with this Directive before 1 January 1975 and shall forthwith inform the Commission thereof.

They shall apply these provisions from 1 October 1975.

2. As soon as this Directive has been notified, the Member States shall inform the Commission, in sufficient time to enable it to submit its comments, of any draft laws, regulations or administrative provisions which they intend to adopt in the field covered by the Directive.

Article 11

1. Unchanged

2. Unchanged

3. The Commission shall subsequently submit to the Council a further proposal for the adoption of a single Community system for all the Member States

Article 12 unchanged

¹ See OJ No. C 35, 28. 3.1974, p. 45

B.

EXPLANATORY STATEMENT

1. The implementation of a common transport policy as provided in Articles 74-84 of the EEC Treaty and Article 70 of the ECSC Treaty involves harmonization of the following aspects of Member States' transport laws: social and fiscal provisions, criteria for State intervention and technical requirements.

I. THE BASIC DIRECTIVE: COMMUNITY TYPE-APPROVAL OF VEHICLES

2. In the area of technical requirements, the Council adopted, on 6 February 1970, a 'Directive on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers'¹ which was approved by the European Parliament².

This directive is based on the fact that in each Member State motor vehicles must comply with certain mandatory technical requirements, the main aim of which is to promote safety on the road, but which differ from one Member State to another. These differences are likely to hinder trade within the Community.

This obstacle to the establishment and operation of the common market can be lessened, or even removed entirely, if all Member States adopt identical requirements either in addition to or in place of their existing laws.

3. The directive of 6 February 1970 laid down the Community procedure for type-approval of motor vehicles and left it to separate directives to define the harmonized technical requirements applicable to individual vehicle parts and characteristics.

Full-scale implementation of the Community procedure for type-approval of vehicles will ensure that every motor vehicle satisfying Community requirements verified by the competent authorities of a Member State can be sold and used throughout the territory of the Community; manufacturers will simply have to guarantee that each vehicle put on the market conforms to the prototype approved by the Community.

II. THE 'OPTIONAL' INTERNAL SYSTEM

4. The Commission proposal for harmonization of Member States' laws on motor vehicles is based on the most stringent rules already in force in the Member States; it will therefore ensure greater safety on the road.

¹ OJ No. L 42, 23.2.1970, p.1.

² OJ No. C 160, 18.12.1969, p.7.

Member States are, however, at liberty to maintain their own legislation for the domestic market; this is the 'optional' system of harmonization.

It is nevertheless desirable in the interests of safety that, at a later date, if Community rules are more exacting, they alone should also apply to the domestic markets of the Member States.

5. It should be noted here that when the European Parliament was called upon to deliver its opinion on the proposal for a directive on the type-approval of motor vehicles and their trailers¹, it considered in its resolution 'that the "optional" system put forward in the proposals from the Commission of the European Communities to the Council should be of limited duration to allow a unified Community law for all the Member States to be drawn up within five years'².

The need for road safety has obviously remained the same since the enlargement of the Community, but the period during which national laws which are still applicable on the domestic market can be adapted to Community rules should be extended and has still to be determined by the Commission.

III. PROGRESS MADE AND NEW PROPOSALS

6. The Commission believes that harmonization of national laws on motor vehicles will be completed in 1975.

It is currently putting the finishing touches to its important harmonization programme which is essential for the free movement of vehicles within the Community.

Fourteen directives dealing with motor vehicles have already been adopted by the Council of Ministers of the Community since 1970, and 10 others have been proposed but not yet approved by it.

A list of the directives adopted or awaiting adoption by the Council is annexed.

The Commission expects to submit 7 further directives on safety belts and tyres to the Council in 1974.

7. The European Parliament is now being consulted on the 4 latest proposals for directives submitted by the Commission to the Council:

- (a) Directive relating to the installation of lighting and light signalling devices

This proposal replaces a previous proposal submitted by the Commission to the Council in July 1968 because work carried out by

¹ OJ No. C 125, 28.11.1968, p.1.

² OJ No. C 160, 18.12.1969, p.2.

Commission experts revealed a need to adapt the original proposal to recent technical advances.

The proposal for a directive lays down the requirements for correct fitting of the various lighting and light signalling devices on motor vehicles. The requirements for the manufacture of these devices will be set out in other special directives.

8. The proposal for a directive specifies which devices are obligatory, which prohibited and which optional.

It also lays down the individual requirements concerning the number, position, visibility, alignment and the possibilities of grouping lights and the electric wiring for them. Thus, to obtain Community approval, vehicles must be equipped with at least main-beam headlights, dipped-beam headlights, direction indicator lights, stop lights, a rear-registration-plate illuminating device, side lights and rear lights, a rear foglight, red rear reflex reflectors and a vehicle hazard-warning light signal.

The colour of the various lights is also stipulated: thus, only white is permitted for the reversing light, red for the stop light, the rear parking lights, the rear foglight and the rear reflex reflectors, and only yellow is permitted for the direction indicator lights and the vehicle hazard warning light. The main beam headlights and dipped beam headlights may be white or yellow, the choice being left to the user.

9. This is one of the most important directives from the point of view of road safety. It has given rise to long and involved discussions in the working party on motor vehicles, composed of experts from the Member States. But, according to the Commission, it has finally received majority approval.

The Commission has been unable to refer to the work of the UN Economic Commission for Europe in Geneva, which has not advanced far enough. On the contrary, the proposal for a directive, if adopted, will serve as a reference source for the Economic Commission in Geneva.

(b) Directives relating to the manufacture of foglights and reflex reflectors

10. The aim of these two proposals for directives is to harmonize the provisions governing the manufacture of foglights and reflex reflectors. The proposals deal only with the technical requirements for manufacturing foglights and reflex reflectors and the tests which they must undergo before receiving the Community approval which will enable them to be put on the market as separate items and fitted on motor vehicles in compliance with the preceding directive on the installation of lighting and light signalling devices.

In both cases the Commission has based its proposals on work done in this area by the Economic Commission for Europe in Geneva; this is an additional advantage from the point of view of international trade. The annexed texts are similar to the Economic Commission for Europe's Regulations Nos. 3 and 19.

(c) Directive relating to external projections

11. The aim of this directive is to reduce the risk of injury to persons grazed or hit by a car. In an accident, injuries are particularly liable to be caused by the bumpers, door-handles, hub-caps and ornamental fittings.

The proposal for a directive lays down rules governing these different components.

As with the two preceding directives, the Commission has based itself on the relevant work of the Economic Commission for Europe. The annexed text is similar to that of Regulation No. 26 of the Economic Commission for Europe.

ANNEX: PROGRESS MADE

(a) DIRECTIVES ADOPTED BY THE COUNCIL

<u>Subject</u>	<u>Published in the OJ</u>
1. <u>Type approval</u> of motor vehicles and their trailers	23.02.70
2. Permissible <u>sound level</u> and the <u>exhaust</u> system of motor vehicles	23.02.70
3. Space for mounting and the fixing of rear <u>registration</u> plates on motor vehicles and their trailers	06.04.70
4. Liquid fuel <u>tanks</u> and <u>rear protective</u> devices for motor vehicles and their trailers	06.04.70
5. Measures to be taken against air pollution by <u>gases</u> from positive-ignition engines	06.04.70
6. <u>Steering</u> equipment for motor vehicles	18.06.70
7. Audible <u>warning devices</u> for motor vehicles	10.08.70
8. <u>Doors</u> of motor vehicles	10.08.70
9. <u>Rear-view mirrors</u> of motor vehicles	23.03.71
10. <u>Braking devices</u> of certain categories of motor vehicles	06.09.71
11. Suppression of radio interference in motor vehicles	06.07.72
12. Measures to be taken against the emission of pollutants from <u>diesel</u> engines	20.08.72
13. Devices to prevent the <u>unauthorized use</u> of motor vehicles	11.02.74
14. <u>Interior</u> fittings (interior parts of the passenger compartment other than the interior rear-view mirrors, layout of controls, the roof or sliding roof, the backrest and rear part of the seats)	11.02.74

(b) PROPOSALS FOR DIRECTIVES SUBMITTED TO THE COUNCIL BUT NOT YET ADOPTED

<u>Subject</u>	<u>Date submitted to the Council</u>
1. <u>Direction indicators</u> for motor vehicles	July 1965
2. Field of <u>visibility</u> , <u>windscreen wipers</u> and windscreen washers for motor vehicles	August 1968
3. <u>Power socket</u> for motor vehicle trailers	August 1968
4. <u>Safety glass windows</u> for motor vehicles	September 1972

<u>Subject</u>	<u>Date submitted to the Council</u>
5. <u>Interior</u> fittings of motor vehicles (protection of the driver from the steering column in collisions)	September 1972
6. <u>Interior</u> fittings of motor vehicles (strength of seats and their anchorage points)	May 1973
7. Installation of <u>lighting</u> and light <u>signalling</u> devices on motor vehicles and their trailers	December 1973
8. Manufacture of <u>foglights</u> for motor vehicles	December 1973
9. External <u>projections</u> of motor vehicles	December 1973
10. Manufacture of <u>reflex reflectors</u> for motor vehicles and their trailers	January 1974

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from Mr Schuijt, chairman of the Legal Affairs Committee to
Mr James Hill chairman of the Committee on Regional Policy and Transport

Dear Sir

The Legal Affairs Committee has been instructed to prepare an opinion for your committee on the proposals from the Commission to the Council for directives concerning the approximation of the laws of the Member States relating to:

1. the installation of lighting and light signalling devices on motor vehicles and trailers (Doc.332/73)
2. fog lights for motor vehicles (Doc. 333/73)
3. the external projections of motor vehicles (Doc. 341/73)
4. reflex reflecting devices for motor vehicles and their trailers (Doc. 348/73)

The Legal Affairs Committee considered these proposals at its meeting of 9 April 1974 and came to the following conclusions:

As their titles suggest, the proposals for directives in question are almost exclusively technical in nature; they are intended to implement the directive¹ concerning the approximation of the laws of Member States relating to type approval of motor vehicles and their trailers, on which the European Parliament has already expressed its opinion.²

The Legal Affairs Committee therefore simply considered whether Article 100 of the EEC Treaty applied and decided that it did, in view of the fact that the lack of uniformity between the provisions currently in force in the areas covered by the above proposals for directives is likely to impede the free movement of goods and therefore directly affects the establishment and functioning of the common market.

¹O.J. No.L 42 of 23.2.1970, page 1.

²O.J. No.C 160 of 18.12.1969, page 7.

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As on previous occasions, the Legal Affairs Committee would, however, like to point out that it prefers the solution of total rather than optional harmonization. Optional harmonization allows national legislation to be maintained alongside laws which conform to the provisions of Community directives since the latter only apply to products which are the subject of intra-Community trade.

In the past, the European Parliament has time and again declared that the simultaneous existence of two sets of legislation could only be accepted during a transitional period, though such a period was certainly needed to enable the industries concerned to adjust to Community requirements without too great difficulty. Optional harmonization must be regarded merely as a stage in progress towards total harmonization particularly since the application of the Community requirements, which are based on the most stringent provisions in force in the Member States, to all production anywhere in the Community should improve road-safety for all.

With this reservation, the Legal Affairs Committee¹ unanimously pronounced in favour of the proposals for directives submitted for consideration.

The Legal Affairs Committee instructed me to forward this opinion to the Committee on Regional Policy and Transport in the form of a letter.

Yours sincerely

¹The following were present:

Mr Schuijt, chairman, Mr Bermani, vice-chairman, Mr Albertsen, Mr Brewis, Mr Broeksz, Mr Brugger, Mr Conces, Mr de Sanctis, Mr Héger, Lord Mansfield, Mr Radoux (deputizing for Mr Schmidt), Mr Scelba and Sir Derek Walker-Smith.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Letter from Mr Lange, chairman of the Committee on Economic and Monetary Affairs, to Mr James Hill, chairman of the Committee on Regional Policy and Transport
Luxembourg, 4 April 1974

Dear Colleague,

By letter of 7 February 1974 from the President of the European Parliament and by announcement of 11 February 1974 the Committee on Economic and Monetary Affairs was requested to deliver an opinion to the Committee on Regional Policy and Transport on Documents 332/73, 333/73, 341/73 and 348/73.

The Committee on Economic and Monetary Affairs considered these requests on 28 March 1974 and unanimously approved the proposals for directives contained in the above documents concerning the approximation of laws relating to the installation and external fitting of parts to motor vehicles.

The Committee expressly welcomes the Commission's initiative facilitating the dismantling of technical barriers to trade in the common market; it recalls that it has, in reports and opinions, repeatedly urged the Commission to consider how a speedier dismantling of technical barriers to trade in the common market could be achieved within the framework of a general regulation. Parliament should not, time and again, be forced to give opinions on an extremely wide variety of technical directives.

The Committee furthermore considers that it should have dealt with these Commission proposals for directives as the committee responsible since they too are intended to establish conditions for the creation of an area in which merchandise trade can develop freely.

May I ask you to ensure that due account is taken of this opinion in your committee's report to Parliament.

Yours sincerely,

(sgd.) Erwin LANGE

The following were present:

Mr Notenboom and Sir Brandon Rhys Williams, vice-chairmen; Mr Artzinger, Mr Bersani, Mr Bousch, Mr Burgbacher, Mr Cifarelli, Mr Delmotte (deputizing for Mr van der Hek), Mr van der Gun (deputizing for Mr Poher), Mr Harmegnies, Mr Kater, Mr Krall, Mr Leonardi, Mr Willi Müller (deputizing for Mr Nørgaard), Mr Normanton, Lord Reay and Mr Schwörer.

