



European Communities

EUROPEAN PARLIAMENT

SESSION DOCUMENTS

English Edition

19 March 1991

A3-0057/91



RECOMMENDATION

(Cooperation procedure: second reading)
of the Committee on Economic and Monetary Affairs and
Industrial Policy

on the COMMON POSITION established by the
Council with a view to the adoption of a
directive amending Directive 89/392/EEC on
the approximation of the laws of the Member
States relating to machinery
(C3-0011/91 - SYN 233)

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DOC_EN\RR\106398

PE 148.110/fin.

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)



= Consultation procedure requiring a single reading



= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment



= Cooperation procedure (first reading)



= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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At its sitting of 13 June 1990 the European Parliament delivered its opinion at first reading on the Commission proposal for a Council directive amending Directive 89/392/EEC on the approximation of the laws of the Member States relating to machinery (COM(89) 0624 final - SYN 0233).

At the sitting of 24 January 1991 the President of Parliament announced that the common position had been received and referred to the Committee on Economic and Monetary Affairs and Industrial Policy as the committee responsible and to the Committee on Budgets for its opinion.

At its meetings of 27 February - 1 March and 18-20 March 1991 the Committee on Economic and Monetary Affairs and Industrial Policy considered the common position and the draft recommendation.

At its meeting of 18 March 1991 it adopted the following recommendation unanimously.

The following took part in the vote: Desmond, vice-chairman; Christiansen, rapporteur; Caudron, Cox, Cravinho, Ernst de la Graete, Fitzgerald, Metten, Nielsen (for Riskær Pedersen), Patterson, Saridakis (for Siso Curellas), Sboarina and Tongue.

The Committee on Budgets decided not to deliver an opinion.

This recommendation was tabled on 19 March 1991.

The deadline for tabling amendments to this recommendation will appear on the draft agenda for the part-session at which it is to be considered.

A

RECOMMENDATION

(Cooperation procedure: second reading)

on the common position established by the Council with a view to the adoption of a directive amending Directive 89/392/EEC on the approximation of the laws of the Member States relating to machinery (COM(89) 0624 final¹ and COM(90) 0462 final²)

The Committee on Economic and Monetary Affairs and Industrial Policy,

- having regard to the common position of the Council
(C3-0011/91 - SYN 233),

Recommends that the European Parliament amend the common position as follows:

Common position of the Council

Amendments

Amendment No. 1

Article 1(1)(b), second indent

- the second indent shall be replaced by the following: Deleted

"- lifting equipment designed and constructed for raising and/or moving persons with or without loads, except for industrial trucks with elevating operator position.";

Amendment No. 2

Article 1(5)

(amending third paragraph of Article 13(1) of Directive)

The Member States shall apply the measures in question with effect from 1 January 1993, except as regards the equipment referred to in Directives 86/295/EEC¹, 86/296/EEC² and 86/663/EEC³ for which these measures shall apply from 1 July 1995.

The Member States shall apply the measures in question with effect from 1 January 1993.
(rest deleted)

¹ OJ No. L 186, 8.7.1986, p. 1

² OJ No. L 186, 8.7.1986, p. 10

³ OJ No. L 384, 31.12.1986, p. 12

¹ OJ No. C 037, 17.2.1990, p. 5

² OJ No. C 268, 24.10.1990, p.12

Amendment No. 3
Article 1(5)
(amending Article 13(2) of Directive)

2. Furthermore, Member States shall allow, for the period until 31 December 1995, the placing on the market and putting into service of machinery in conformity with the national regulations in force in their territory on 31 December 1992.

Deleted

Directives 86/295/EEC, 86/296/EEC and 86/663/EEC shall not impede implementation of paragraph 1 as from 1 July 1995.

Amendment No. 4
Annex I, section 3.3.3., second paragraph

The driver must be able to slow down and stop self-propelled machinery by means of a main device. Where safety so requires in the event of a failure of the main device, an emergency device with fully independent and easily accessible controls must be provided for slowing down and stopping, even if there is no energy supply.

The driver must be able to slow down and stop self-propelled machinery by means of a main device. Where safety so requires in the event of a failure of the main device, or if there is no energy supply to actuate the main device, an emergency device with fully independent and easily accessible controls must be provided for slowing down and stopping.

Amendment No. 5

Annex I, section 4.2.4., first paragraph

Fitness for purpose

When machinery is placed on the market or is put into service, the manufacturer or his authorized representative established within the Community must ensure, by taking appropriate measures or having them taken, that machinery which is already for use - whether manually or power-operated - can fulfil its specified functions safety. The said measures must take into account the static and dynamic aspects of the machinery.

Fitness for purpose

When machines and lifting accessories are placed on the market or are put into service, the manufacturer or his authorized representative established within the Community must ensure, by taking appropriate measures or having them taken, that machinery which is already for use - whether manually or power-operated - can fulfil its specified functions safety. The said measures must take into account the static and dynamic aspects of the machinery.

B

EXPLANATORY STATEMENT

At first reading Parliament adopted three amendments, one of which was incorporated by the Commission into an amended proposal. The other two were not accepted, however. One was intended to dispel all doubt as to the entry into force of the Directive by deleting the proposal's provisions on exemptions for certain machinery. The Council has now gone even further than the Commission, in its common position, in an effort to delay the entry into force of the Directive and has received the Commission's backing for this new strategy.

At second reading Parliament proposes to address itself less to the substance of the proposal on mobile machinery, which it can broadly endorse, than to the fundamental question of when the internal market is to be completed and to progress made in standardization work at Community level.

The timetable for formulating harmonized European standards, as envisaged in the remit to the standards institutions under Directive 83/189/EEC, has slipped. The Commission has accepted an alternative, then, whereby national regulations could be applied from 1 January 1993 to 31 December 1995 (cf. Article 13(2) as worded in the proposal).

Under the proposal, accordingly, a producer would have the option, during this period, either of complying with the requirements of the machinery Directive - he would therefore be entitled to market products throughout the Community - or of complying with the national regulations in force on 31 December 1992 in the Member State where the product is to be placed on the market.

The possibility that manufacturers in countries where safety levels were low would gain a competitive advantage, on their domestic markets, over producers from countries where safety levels were high cannot therefore be excluded; this would not be so if there were total harmonization from 1993 onwards.

This new form of protectionism is totally unacceptable and runs counter to the principle, championed by Parliament, that, even in the absence of detailed Community standards for all products, manufacturers must abide by the provisions on essential safety requirements.

It is absolutely vital that the Member States and the Community resist the temptation to hold up, because of short-term difficulties in connection with fiercer competition, the increased economic growth that will result from opening up the machinery market.

Parliament therefore calls on the Commission and Council to accept its amendments to delete the provisions that would 'put off' the entry into force of the Directive.

Parliament is furthermore retableting an amendment to extend the scope of the Directive to certain lifting equipment in spite of the fact that the Commission intends to submit separate proposals on this. It is important that no vacuum should develop as far as safety in connection with such equipment is concerned; Parliament takes the view that the special safety requirements set out in Annex I are sufficient for this area.