

# European Communities

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## EUROPEAN PARLIAMENT

# Working Documents

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2 May 1978

DOCUMENT 61/78

## Report

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

on the proposals from the Commission of the European Communities to the  
Council for

- I. a directive on the approximation of the laws of the Member States concerning the general requirement of construction and certain types of protection for electrical equipment for use in potentially explosive atmospheres  
(Doc. 482/77)
- II. a directive on the approximation of the laws of the Member States relating to common provisions for machine-tools and similar machines for the working of metals, wood, paper and other materials
- III. a directive on the approximation of the laws of the Member States relating to hand-held, powerdriven, portable grinding machines  
(Doc. 505/77)

Rapporteur: Mr K. NYBORG



By letter of 5 January 1978 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC 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 concerning the general requirements of construction and certain types of protection for electrical equipment for use in potentially explosive atmospheres (Doc. 482/77).

By letter of 19 January 1978 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposals from the Commission of the European Communities to the Council for two directives on the approximation of the laws of the Member States relating to

- common provisions for machine-tools and similar machines for the working of metals, wood, paper and other materials,
- hand-held, power-driven portable grinding machines (Doc. 505/77).

The President of the European Parliament referred the first proposal to the Committee on Economic and Monetary Affairs as the committee responsible and to the Committee on the Environment, Public Health and Consumer Protection for its opinion.

The President of the European Parliament referred the second two proposals to the Committee on Economic and Monetary Affairs as the committee responsible.

On 2 February 1978 the Committee on Economic and Monetary Affairs appointed Mr Nyborg rapporteur.

It considered these proposals at its meeting of 19 April 1978 and adopted the motion for a resolution by 9 votes to 1 with 4 abstentions.

Present: Mr Glinne, chairman; Mr Notenboom and Mr Leonardi, vice-chairmen; Mr Nyborg, rapporteur; Lord Ardwick, Mr Bourdellès (deputizing for Mr Damseaux), Mrs Dahlerup, Mr H.W. Müller, Mr Normanton, Mr Prescott, Mr Spinelli, Mr Starke, Mr Stetter and Mr Vergeer (deputizing for Mr Van der Gun).

The opinion of the Committee on the Environment, Public Health and Consumer Protection concerning Doc. 482/77 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, 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

- I. a directive on the approximation of the laws of the Member States concerning the general requirements of construction and certain types of protection for electrical equipment for use in potentially explosive atmospheres
- II. a directive on the approximation of the laws of the Member States relating to common provisions for machine-tools and similar machines for the working of metals, wood, paper and other materials
- III. a directive on the approximation of the laws of the Member States relating to hand-held, power-driven portable grinding machines

The European Parliament,

- having regard to the proposals from the Commission of the European Communities to the Council (COM(77) 660 final and COM(77) 656 final),
  - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Docs. 482/77 and 505/77),
  - having regard to its resolution of 12 December 1974 on the elimination of technical barriers to trade,
  - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on the Environment, Public Health and Consumer Protection (Doc.61/78),
1. Approves these proposals while drawing attention to the Commission's responsibility to lay down standards relative to the safety risks arising from the use of power-driven grinding machines;
  2. Considers that, pending the Commission proposal for a change in the procedure for the elimination of technical barriers to trade, such proposals should in future be dealt with by Parliament by as simple a procedure as possible where there are no important political implications.

EXPLANATORY STATEMENTI. Procedure for the elimination of technical barriers to trade

1. Following Parliament's proposal that the procedure for the elimination of technical barriers to trade should be changed<sup>1</sup>, the Commission is now working on a proposal to that effect. Briefly, the procedure proposed by Parliament is that the Commission should systematically propose outline directives pursuant to Article 100 of the EEC Treaty for individual sectors defined in action programmes and lay down on its own responsibility provisions for their implementation, pursuant to Article 155 of the EEC Treaty. Until such time as the Commission submits its proposal for the amendment of the procedure, it is desirable that Parliament should spend as little time as possible on such proposals for the elimination of technical barriers to trade unless the technical details present some issue of political concern. In that case, discussion in Parliament should follow as simple a procedure as possible. The feeling that reports on technical barriers to trade should in the meantime be dealt with by the simplest possible procedure is not a new one. During the plenary sitting of 15 March 1975, Mr MITTERDORFER expressed the opinion that reports on technical barriers to trade should be adopted without debate in plenary sitting until the procedure had been altered. It therefore seems appropriate to consider this report according to the procedure without debate.

II. Proposal for a Council directive on the approximation of the laws of the Member States concerning the general requirements of construction and certain types of protection for electrical equipment for use in potentially explosive atmospheres

2. On 18 December 1975 the Council adopted Directive No. 76/117/EEC with the purpose of eliminating technical barriers to trade in the sector of electrical equipment for use in potentially explosive atmospheres. However, a number of procedural provisions of this directive make reference to the harmonized standards which would have to be laid down in later implementing directives and without which this directive could not enter into force. The present proposal for a directive submits 7 harmonized

<sup>1</sup> OJ No. C 5, 8.1.1975

standards for the Council's approval in order to make implementation of directives 76/117/EEC possible. The Commission attributes the delay in submitting this proposal, which it had promised to submit before 18 June 1977, to the need to await the results of the work on harmonization carried out by the CENELEC (European Electrotechnical Standardization Committee).

3. Parliament has already taken up a position on harmonization in the sector of electrical equipment for use in potentially explosive atmospheres in connection with the proposal for the framework directive now adopted (Directive 76/117/EEC). Its report (Doc. 73/71) gave broad approval to the harmonization proposed. As a result, the Committee on Economic and Monetary Affairs does not wish to go into greater detail into a proposal which merely lays down a number of implementing provisions for the basic directive. It would however like to underline once again the request contained in the opinion of the Committee on the Environment, Public Health and Consumer Protection that the Commission should submit a proposal as quickly as possible for a directive on equipment designed for work underground in mines susceptible to fire damp. In fact, at the time of its proposal for a new procedure<sup>1</sup> for the elimination of technical barriers to trade, Parliament took up a clear position against the present lengthy decision-making procedure for this type of implementation directive. Under its proposed new procedure, the Commission would have the powers to lay down these implementation directives itself.

III. Proposals 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 common provisions for machine-tools and similar machines for the working of metals, wood, paper and other materials
- a directive on the approximation of the laws of the Member States relating to hand-held, power-driven, portable grinding machines  
(Doc. 505/77)

4. Legislation in this sector is justified in order to provide protection for the users of these machines. However, as in other sectors, national legislation has the effect of distorting competition and hindering trade and so there is urgent need for harmonization of both technical provisions and the administrative procedures. This harmonization was, for this reason, included in the programme on the elimination of technical barriers to trade. There has been some delay; under the original timetable, the Commission was to have introduced its proposal before

<sup>1</sup> OJ No. C 5, 8.1.1975

1 January 1976 and the Council was to have adopted it before  
1 January 1977.

5. The first proposal is for an outline directive containing a number of general provisions to be applied to machine-tools and similar machines for the working of metals, wood, paper and other materials.

The outline directive contains general provisions referring in particular to the procedures of EEC type-approval, EEC type-examination, EEC verification, EEC inspection and EEC independent certification. The specific directives then lay down provisions for each category of machines concerning the technical implementation of the means of inspection of the machines and their components and possibly the conditions under which the Community's technical provisions will replace existing national provisions. This is done only in the case of total harmonization, however.

6. The Commission has chosen the optional system of harmonization for the first specific directive concerning portable grinding machines. It points out that this does not preclude the possibility that some specific directives might be based on the principle of total harmonization. This, however, will only be done if particularly important safety problems arise. Since this is not the case here, the optional harmonization system chosen is acceptable.

The Committee on Economic and Monetary Affairs does not wish to go into greater detail on this point here. It would prefer to deal in the near future with the general problems associated with the choice of harmonization system. In its previous report on the elimination of technical barriers to trade concerning hot-water meters, it pointed to the desirability of a general approach to the problem on these lines.



OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC  
HEALTH AND CONSUMER PROTECTION

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Letter from the committee chairman to Mr GLINNE, chairman  
of the Committee on Economic and Monetary Affairs

Luxembourg, 5 April 1978

Subject: Proposal from the Commission of the European Communities to the Council for a directive on the approximation of the laws of the Member States concerning the general requirements of construction and certain types of protection for electrical equipment for use in potentially explosive atmospheres (Doc. 482/77).

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At its meeting of 22 February 1978<sup>1</sup> the Committee on the Environment, Public Health and Consumer Protection considered the proposal for a directive on the approximation of the laws of the Member States concerning the general requirements of construction and certain types of protection for electrical equipment for use in potentially explosive atmospheres (Doc. 482/77), and delivered the following unanimous opinion.

It greatly welcomes this proposal which, although it was only submitted after some delay, completes the Council's outline directive of 18 December 1975 (76/117/EEC) and as such is intended as the first in a series of harmonized construction safety standards for electrical equipment used in certain circumstances to prevent the risk of explosions.

The Committee accordingly expects the Council to approve this proposal at an early date. It nevertheless encourages the Commission to pursue its activities in this area in collaboration with CENELEC and to propose further standards, including if possible standards for equipment to be installed in the underground workings of mines containing firedamp.

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<sup>1</sup>Present: Mr Aiello, chairman, Mr Jahn, vice-chairman, Mr Andersen, Mr Didier, Mr Edwards, Mr Lamberts, Mr Ney, Mr Noé, Mr Ryan, Mr Schyns, Mrs Squarzialupi and Mr Vernaschi





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Luxembourg  
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