COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 144 final - SYN 336 A-B

Brussels, 31 March 1993

Amended proposal for a

SYN 336 A

COUNCIL DIRECTIVE

amending Council Directives 87/404/EEC (simple pressure vessels), 88/378/EEC (safety of toys), 89/106/EEC (construction products), 89/336/EEC (electromagnetic compatibility), 89/392/EEC (machinery), 89/686/EEC (personal protective equipment), 90/384/EEC (non-automatic weighing instruments), 90/385/EEC (active implantable medical devices), 90/396/EEC (appliances burning gaseous fuels), 91/263/EEC (telecommunications terminal equipment), 92/42/EEC (new hot-water boilers fired with liquid or gaseous fuels), and 73/23/EEC (electrical equipment designed for use within certain voltage limits)

Amended proposal for a

SYN 336 B

COUNCIL DECISION

amending the Council Decision of 13 December 1990 concerning the modules for the various phases of the conformity assessment procedures (90/683/EEC), supplementing it with provisions relating to the arrangements for affixing and using the CE conformity marking

(presented by the Commission pursuant to Article 149(3) of the EEC-Treaty)

At its part-session of 8-12 March 1993 Parliament delivered its opinion at first reading following further consultation on the proposal to amend the proposal which the Commission sent to the Council on 7 December 1992 (COM(92) 499 final).

The current proposal takes account of the two amendments proposed by Parliament, which the Commission is willing to accept, because they stress that the introduction of a standard CE marking must not entail any lowering whatsoever of safety levels and that, in the light of this concern, the Commission should examine and report on the impact of this proposal by 1997 at the latest.

Acting on the opinion[1] delivered by Parliament at first reading following further consultation on the amended Commission proposal of 7 December 1992 (COM(92) 499 final) under the cooperation procedure, the Commission has decided to amend its latest proposal as follows, taking account of the amendments approved by Parliament:

The proposal for a Directive amending the various new approach Directives and the low voltage Directive is amended as follows:

Article 12(1) is amended to read as follows:

"1. The following two recitals are added:

Whereas the choice of procedures must not lead to a lowering of standards of electrical safety already established throughout the Community,'"

The proposal amending the Council Decision of 13 December 1990 on certification modules is amended as follows:

Article 2(3) is replaced by the following:

"The Commission shall report periodically on the functioning of this Decision and on whether conformity assessment and CE marking procedures are working satisfactorily or need to be modified.

The Commission shall also, by the end of the transitional period in 1997 at the latest, or earlier should the urgency be recognized, report on any special problems raised by the incorporation of the low voltage Directive 73/23/EEC into the CE marking procedures, indicating, in particular, whether safety is being compromised. The Commision shall also list any problems raised by the overlapping of Council Directives and shall stipulate whether further Community measures are required."

1 Adopted on 10 March 1993 (PE A3-0084/93)

4

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