

5 metres shall be subject to type-examination before being placed on the market.

2.2.3.2. Insofar as the principal safety components—speed-limiting and fall-prevention devices—are subject to type-examination at the design stage, type-examination for the entire lifting apparatus becomes redundant. It should be remembered that the draft amendment to the Directive on the use of work equipment requires the user to carry out technical tests before using the equipment.

2.2.3.3. Type-examination of equipment for the lifting of persons should apply only to those parts involved in this function. Other parts should be certified by the manufacturer himself or, where appropriate, under specific procedures laid down in other directives (eg. pressure vessels).

2.2.3.4. The Committee considers that on safety grounds the height of 5 m specified in Annex II is unacceptably high. In many operating areas reliable accident investigation and prevention shows that 1,5 m can be a suitable height. That height of 1,5 m however cannot apply in all sectors covered by this Directive, especially in relation to type-examination, and the Committee recommends further consideration of the drafting.

2.2.3.5. Moreover, certain high-level lifting equipment (warehouse overhead carriers) are delivered in parts and assembled on site. Type-examination of such apparatus, often manufactured on a one-off basis, is difficult.

2.3. In order to avoid the many references to other legislation in the draft Directive, the Commission should issue a consolidated Directive encompassing all subsequent amendments.

Done at Brussels, 26 May 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion on the proposal for a Council Regulation (EEC) amending Regulation (EEC) No 594/91 of 4 March 1991 in order to speed up the phasing-out of substances that deplete the ozone layer

(92/C 223/19)

On 7 April 1992, the Council decided to consult the Economic and Social Committee, under Article 130 S of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Economic and Social Committee decided to appoint Mr Proumens as Rapporteur-General for its Opinion.

At its 297th Plenary Session (meeting of 27 May 1992), the Economic and Social Committee adopted the following Opinion unanimously.

The Committee endorses the draft Regulation, subject to certain comments, and congratulates the Commission on the inclusion of the new provisions prior to the UN meeting in Copenhagen at the end of 1992 which is to revise the 1989 Montreal Protocol (UN Environment Programme).

1. Introduction

1.1. The draft Regulation amends Regulation (EEC) No 594/91 of 4 March 1991 which itself derives from the Montreal Protocol on Substances that deplete the Ozone Layer.

1.2. The substances covered are chlorofluorocarbons (CFC) 11, 12, 113, 114 and 115, other fully halogenated

CFCs, halons, 1,1,1-trichloroethane and carbon tetrachloride. The production and consumption of all these substances is to be reduced in accordance with a timetable set out in Regulation (EEC) No 594/91.

1.3. In the meantime, observations carried out under the United Nations Environment Programme (UNEP) have shown that:

- the hole in the ozone layer above the Antarctic in 1991 was as large as it had been in 1987, 1989 and 1990,
- for the first time, the loss of ozone coincides with an increase in ultraviolet radiation at ground level,
- depletion of the ozone layer is also apparent in the Northern hemisphere,
- the concentration of chlorine in the stratosphere seems likely to increase further up to the year 2000, notwithstanding the decisions taken in Montreal.

1.4. Concluding that the proposed new measures were technically feasible, the UNEP therefore calls for the process to be speeded up with a view to the elimination of:

- all CFCs and halons by 1 January 1996 rather than 1 July 1997,
- 1,1,1-trichloroethane by 1 January 1996 rather than 1 January 2005,
- carbon tetrachloride by 1 January 1995 rather than 1 January 1998.

1.5. The Commission draft also provides for greater interim reductions than envisaged, in the Montreal Protocol, with 85% reduction for all the abovementioned products being made by 1 January 1994.

1.6. In this connection, the Committee wonders whether this very substantial and more rapid reduction might create difficulties for undertakings involved in the production of these substances, with job losses being the outcome.

1.7. There are, in fact, only a dozen or so European producers and the Commission is not opposed to these producers working together with a view to the attainment of the stated objectives.

2. Comments

2.1. It must be pointed out that, whilst there may be no doubt as to the scientific accuracy of the report on which the UNEP and, consequently, the Commission have based their proposals, the report does not appear to have taken account of the consequences of the vast quantities of gas released into the atmosphere during the major volcanic eruption in the Philippines.

2.2. This important fact must obviously not cast doubt on any of the proposed reduction levels and deadlines.

2.3. The Commission is currently preparing a list of exemptions for presentation in Copenhagen at the end of 1992 and intends, subject to UN approval, to draw up a detailed list in 1993 covering essential uses.

2.4. The Committee trusts that these justified essential uses will be well defined in conjunction with the producer and user industries.

2.5. If the planned reductions and interim stages prove acceptable, largely owing to the inter-company agreements referred to in point 1.7 the Commission and the competent national authorities must ensure strict application of the new provisions and lay down very heavy sanctions at national level to preclude illegal imports from third countries which have not yet signed the Montreal Protocol.

2.6. The Committee also calls on the Commission, as a party to the UNEP negotiations and discussions, to ensure that all other non-Community countries adopt equivalent measures.

2.7. Otherwise, the provisions of this draft Regulation will not be fully effective. In addition, European industries could be put at a disadvantage in the context of world trade.

2.8. Furthermore, the production and/or use of HCFCs is about to be monitored worldwide. This will involve toxicological studies of their carcinogenicity, mutagenicity and teratogenicity. The Commission should assign responsibility for these studies to a recognized European toxicology institute, such as ECETOC (European Chemical Industry, Ecology and Toxicology Centre—Brussels) which, working in conjunction with producers, should publish findings of interest to workers in production and user industries and consumers.

2.9. In the environmental context, these activities could also be coordinated with the work of the European Environment Agency insofar as ecotoxicity criteria are concerned.

3. Specific exemptions

A. Medicinal products

3.1. As regards medicinal products, the Committee, whilst insisting that exemptions should be granted as infrequently as possible, thinks that CFCs still used in products in aerosol form, and more specifically in those intended for the treatment of lung complaints, should not be prohibited for good until the end of 1997, as originally planned.

3.2. This is a question of public health involving extremely low CFC consumption levels. The Commission should get the competent national authorities to speed up the registration of this type of medicinal product as soon as the propellant gases have been modified. The proposed reductions will thus be brought about as soon as possible, without the sick being deprived of essential remedies.

B. Other products

3.3. As regards exemptions for other essential uses, the Committee calls on the Commission to ensure that these are:

- included in an approved list,
- accompanied by a reference to the 'essential' applications,
- granted for a limited period,
- kept to a minimum.

4. Recycling

4.1. The Commission should examine the possibility of recycling and eliminating the substances covered by this Regulation, especially fully halogenated CFCs and halons used in industrial or private installations since before the signing of the Montreal Protocol.

Done at Brussels, 27 May 1992.

*The Chairman
of the Economic and Social Committee*

Michael GEUENICH

Opinion on the proposal for a Council Regulation (EEC) laying down marketing standards for certain milk and non-milk fats and fats composed of plant and animal products⁽¹⁾

(92/C 223/20)

On 10 February 1992 the Council decided to consult the Economic and Social Committee, under Article 198 of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Agriculture and Fisheries, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 12 May 1992. The Rapporteur was Mr Quevedo Rojo.

At its 297th Plenary Session (meeting of 27 May 1992), the Economic and Social Committee adopted the following Opinion by 50 votes to 20 with 8 abstentions.

1. General comments

1.1. The Committee basically approves the Commission proposal, in particular its efforts to protect a product whose quality has led to a host of imitators trying to take advantage of its reputation. It is supremely important to provide the consumer with maximum guarantees and information as to the real nature of products on sale.

1.2. The Committee would like to see the protection afforded to this product by its definition at EC level extended to other Community products.

1.3. To match the scope of the proposal its title should be replaced by the following: 'Proposal for a Council Regulation laying down marketing standards for certain milk fats for use as spreads, non-milk fats and blends thereof'.

⁽¹⁾ OJ No C 36, 14. 2. 1992, p. 12.