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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 March 1983

giving a discharge to the Commission in respect of the implementation of the operations of the Development Fund for the overseas countries and territories (First Fund) for the financial year 1981

(83/184/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

countries and territories (First Fund) as at 31 December 1981,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the report of the Court of Auditors for the financial year 1981 together with the Commission's replies ⁽³⁾,

Having regard to the Implementing Convention of the association of the overseas countries and territories with the Community annexed to that Treaty,

Recalling that, in accordance with the provisions applicable to the implementation of the Development Fund for the overseas countries and territories (First Fund), only the Council, acting by a qualified majority, shall give a discharge to the Commission in respect of the financial administration of the Fund;

Having regard to Regulation No 5 laying down detailed provisions relating to the collection and transfer of financial contributions, the budgeting and administration of the resources of the Development Fund for the overseas countries and territories ⁽¹⁾, and in particular Article 16 thereof,

Whereas the closure of the operations of the First Fund resulted in the transfer, pursuant to the above-mentioned Council Decision of 30 May 1972, of an amount of 11 806 540,11 European units of account to the European Development Fund (1963) (Second EDF);

Having regard to Provisional Regulation No 6 relating to the responsibility of authorizing and accounting officers for the resources of the Development Fund for the overseas countries and territories ⁽²⁾,

Whereas the overall implementation by the Commission of the operations of the First Development Fund during the financial year 1981 was such as to warrant its being given a discharge in respect of the implementation of these operations,

Having regard to the Council Decision of 30 May 1972 on the transfer and utilization of the unexpended balances of the Development Fund for the overseas countries and territories set up by the Implementing Convention annexed to the Treaty establishing the European Economic Community,

HAD DECIDED AS FOLLOWS:

Article 1

Having regard to the revenue and expenditure account and the balance sheets relating to the operations of the Development Fund for the overseas

The Council shall close the revenue and expenditure account of the Development Fund for the overseas countries and territories (First Fund) as at 31 December 1981 as follows:

⁽¹⁾ OJ No 33, 31. 12. 1958, p. 681/58.

⁽²⁾ OJ No 33, 31. 12. 1958, p. 686/58.

⁽³⁾ OJ No C 344, 31. 12. 1982, p. 1.

- revenue: at the sum of 569 443 459,89 European units of account,
- expenditure (payments): at the sum of 569 443 459,89 European units of account.

operations of the Development Fund for the overseas countries and territories (First Fund) for the financial year 1981.

Done at Brussels, 28 March 1983.

Article 2

The Council hereby gives a discharge to the Commission in respect of the implementation of the

For the Council

The President

J. ERTL

COUNCIL DECISION

of 28 March 1983

**giving a discharge to the Commission in respect of the implementation of the operations
of the European Development Fund (1963) (Second EDF) for the financial year 1981**

(83/185/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community,

Having regard to the Convention of Association
between the European Economic Community and
the African States and Madagascar associated with
the Community ⁽¹⁾, signed at Yaoundé on 20 July
1963,

Having regard to Council Decision 64/349/EEC of
25 February 1964 relating to the association of the
overseas countries and territories with the European
Economic Community ⁽²⁾,

Having regard to the Internal Agreement on the
financing and administration of Community aid ⁽³⁾,
signed at Yaoundé on 20 July 1963, and in parti-
cular Article 17 thereof,

Having regard to the Financial Regulation of the
European Development Fund set up under the
Internal Agreement of the financing and administra-
tion of Community aid ⁽⁴⁾, and in particular
Articles 7 and 8 thereof,

Having regard to the Council Decisions of 30 May
1972 and 30 October 1978 on the transfer and utili-
zation of the unexpended balances of the First and
Second EDFs,

Having regard to the revenue and expenditure
account and the balance sheet relating to the opera-
tions of the European Development Fund (1963)
(Second EDF) as at 31 December 1981,

Having regard to the report of the Court of Auditors
for the financial year 1981 together with the Com-
mission's replies ⁽⁵⁾,

Recalling that, in accordance with the provisions
applicable to the implementation of the European
Development Fund (1963) (Second EDF), only the
Council, acting by a qualified majority, shall give a
discharge to the Commission in respect of the finan-
cial administration of the Fund,

Whereas revenue for the financial year 1981 con-
sisted mainly of the contributions of the Member
States, amounting to 730 000 000,00 European units
of account, and of miscellaneous revenue of the
Fund;

Whereas, pursuant to the abovementioned Council
Decision of 30 May 1972, an amount of
11 806 540,11 European units of account was trans-
ferred as the unexpended balance from the First
EDF to the Second EDF;

Whereas, pursuant to the abovementioned Council
Decisions of 30 May 1972 and 30 October 1978, an
amount of 8 076 615,11 European units of account
was transferred as the unexpended balances of the
First and Second EDF to the Third EDF;

Whereas an advance of 4 007 862,00 European units
of account was paid to the European Development
Fund (1975) (Fourth EDF);

Whereas the overall implementation by the Com-
mission of the operations of the European Develop-
ment Fund (1963) (Second EDF) during the finan-
cial year 1981 was such as to warrant its being given
a discharge in respect of the implementation of
these operations,

HAS DECIDED AS FOLLOWS:

Article 1

The Council shall close the revenue and expenditure
accounts of the European Development Fund
(1963) (Second EDF) as at 31 December 1981 as
follows:

- revenue: at the sum of 733 815 079,04 European
units of account,
- expenditure (payments): at the sum of
729 807 217,04 European units of account.

⁽¹⁾ OJ No 93, 11. 6. 1964, p. 1431/64.

⁽²⁾ OJ No 93, 11. 6. 1964, p. 1472/64.

⁽³⁾ OJ No 93, 11. 6. 1964, p. 1493/64.

⁽⁴⁾ OJ No 93, 11. 6. 1964, p. 1498/64.

⁽⁵⁾ OJ No C 344, 31. 12. 1982, p. 1.

Article 2

The Council hereby gives a discharge to the Commission in respect of the implementation of the operations of the European Development Fund (1963) (Second EDF) for the financial year 1981.

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

COUNCIL DECISION

of 28 March 1983

**giving a discharge to the Commission in respect of the implementation of the operations
of the European Development Fund (1969) (Third EDF) for the financial year 1981**

(83/186/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community,

Having regard to the Convention of Association
between the European Economic Community and
the African States and Madagascar associated with
the Community ⁽¹⁾, signed at Yaoundé on 29 July
1969,

Having regard to Council Decision 70/549/EEC of
29 September 1970 on the association of the over-
seas countries and territories with the European
Economic Community ⁽²⁾,

Having regard to the Internal Agreement on the
financing and administration of Community aid ⁽³⁾,
signed at Yaoundé on 29 July 1969, and in parti-
cular Article 22 thereof,

Having regard to the Financial Regulation of the
European Development Fund (1969) set up under
the Internal Agreement on the financing and admini-
stration of Community aid ⁽⁴⁾, and in particular
Articles 7 and 8 thereof,

Having regard to the revenue and expenditure
account and the balance sheet relating to the opera-
tions of the European Development Fund (1969)
(Third EDF) as at 31 December 1981,

Having regard to the Council Decisions of 30 May
1972 and 30 October 1978 on the transfer and utili-
zation of the unexpended balances of the First and
Second EDFs,

Having regard to the report of the Court of Auditors
for the financial year 1981 together with the Com-
mission's replies ⁽⁵⁾,

Recalling that, in accordance with the provisions
applicable to the implementation of the European
Development Fund (1969) (Third EDF), only the
Council, acting by a qualified majority, shall give a
discharge to the Commission in respect of the finan-
cial administration of the Fund;

Whereas revenue for the financial year 1981 con-
sisted of the contributions of the Member States,
amounting to 905 000 000 European units of
account, and of miscellaneous revenue of the Fund;

Whereas an advance of 66 772 482,81 European
units of account has been paid to the European
Development Fund (1975) (Fourth EDF);

Whereas, pursuant to the abovementioned Council
Decisions of 30 May 1972 and 30 October 1978, an
amount of 8 076 615,11 European units of account
was transferred as the unexpended balances of the
First and Second EDFs to the Third EDF;

Whereas the overall implementation by the Com-
mission of the operations of the European Develop-
ment Fund (1969) (Third EDF) during the financial
year 1981 was such as to warrant its being given a
discharge in respect of the implementation of those
operations,

HAS DECIDED AS FOLLOWS:

Article 1

The Council shall close the revenue and expenditure
accounts of the European Development Fund (1969)
(Third EDF) as at 31 December 1981 as follows:

- revenue: at the sum of 913 076 615,11 European
units of account,
- expenditure (payments): at the sum of
841 767 002,29 European units of account.

Article 2

The Council hereby gives a discharge to the Com-
mission in respect of the implementation of the
operations of the European Development Fund
(1969) (Third EDF) for the financial year 1981.

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

⁽¹⁾ OJ No L 282, 28. 12. 1970, p. 2.

⁽²⁾ OJ No L 282, 28. 12. 1970, p. 83.

⁽³⁾ OJ No L 282, 28. 12. 1970, p. 47.

⁽⁴⁾ OJ No L 31, 8. 2. 1971, p. 1.

⁽⁵⁾ OJ No C 344, 31. 12. 1982, p. 1.

COUNCIL RECOMMENDATION**of 28 March 1983****concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1981****(83/187/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the ACP-EEC Convention of Lomé ⁽¹⁾, signed on 28 February 1975,

Having regard to Council Decision 76/568/EEC of 29 June 1976 on the association of the overseas countries and territories with the European Economic Community ⁽²⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid ⁽³⁾, signed on 11 July 1975, and in particular Article 31 ⁽³⁾ thereof,

Having regard to the Financial Regulation of 27 July 1976 applicable to the Fourth European Development Fund ⁽⁴⁾, and in particular Articles 64 to 67 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1975) (Fourth EDF) as at 31 December 1981 and the Court

of Auditors' report relating to the financial year 1981 together with the Commission's replies ⁽⁵⁾,

Whereas, pursuant to Article 31 of the Internal Agreement, the discharge for the management of the European Development Fund (1975) (Fourth EDF) must be given to the Commission according to the procedure provided for in Article 206 of the Treaty;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1975) (Fourth EDF) during the financial year 1981 has been satisfactory,

RECOMMENDS:

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1975) (Fourth EDF) for the financial year 1981.

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

⁽¹⁾ OJ No L 25, 30. 1. 1976, p. 2.

⁽²⁾ OJ No L 176, 1. 7. 1976, p. 8.

⁽³⁾ OJ No L 25, 30. 1. 1976, p. 168.

⁽⁴⁾ OJ No L 229, 20. 8. 1976, p. 9.

⁽⁵⁾ OJ No C 344, 31. 12. 1982, p. 1.

COUNCIL RECOMMENDATION**of 28 March 1983****concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) for the financial year 1981****(83/188/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 206b thereof,

Having regard to the Second ACP-EEC Convention, signed at Lomé on 31 October 1979 ⁽¹⁾,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community ⁽²⁾,

Having regard to the 1979 Internal Agreement on the financing and administration of Community aid ⁽³⁾, signed on 20 November 1979, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 17 March 1981 applicable to the Fifth European Development Fund ⁽⁴⁾, and in particular Articles 66 to 70 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1979) (Fifth EDF) as at 31 December 1981 and the Court

of Auditors' report relating to the financial year 1981 together with the Commission's replies ⁽⁵⁾,

Whereas, pursuant to Article 29 of the Internal Agreement, the discharge for the management of the European Development Fund (1979) (Fifth EDF) must be given to the Commission according to the procedure provided for in Article 206 of the Treaty;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1979) (Fifth EDF) during the financial year 1981 has been satisfactory,

RECOMMENDS:

that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1979) (Fifth EDF) of the financial year 1981.

Done at Brussels, 28 March 1983.

For the Council

The President

J. ERTL

⁽¹⁾ OJ No L 347, 22. 12. 1980, p. 2.

⁽²⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽³⁾ OJ No L 347, 22. 12. 1980, p. 210.

⁽⁴⁾ OJ No L 101, 11. 4. 1981, p. 12.

⁽⁵⁾ OJ No C 344, 31. 12. 1982, p. 1.

COUNCIL DIRECTIVE**of 28 March 1983****laying down a procedure for the provision of information in the field of technical standards and regulations****(83/189/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 213 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the prohibition of quantitative restrictions on the movement of goods and of measures having an equivalent effect is one of the basic principles of the Community;

Whereas barriers to trade resulting from technical regulations relating to products may be allowed only where they are necessary in order to meet essential requirements and have an objective in the public interest of which they constitute the main guarantee;

Whereas it is essential for the Commission to have the necessary information at its disposal before the adoption of technical provisions; whereas, consequently, the Member States which are required to facilitate the achievement of its task pursuant to Article 5 of the Treaty must notify it of their projects in the field of technical regulations;

Whereas all the Member States must also be informed of the technical regulations contemplated by any one Member State;

Whereas the Commission and the Member States must also be allowed sufficient time in which to propose amendments to a contemplated measure, in order to remove or reduce any barriers which it might create to the free movement of goods;

Whereas the Commission must also have the option of proposing or adopting a Community directive governing the subject of the national measure contemplated;

Whereas, in the two instances set out above, the Member State in question must, pursuant to the general obligations laid down in Article 5 of the Treaty, defer implementation of the contemplated measure for a period sufficient to allow either a joint examination of the proposed amendments or the preparation of the proposal for a Council Directive or of the Commission Directive; whereas the time limits laid down in the Agreement of the representatives of the Governments of the Member States meeting within the Council of 28 May 1969 providing for standstill and notification to the Commission ⁽⁴⁾, as amended by the Agreement of 5 March 1973 ⁽⁵⁾, have proved inadequate in the cases concerned and should accordingly be extended;

Whereas the procedure concerning the standstill arrangement and notification of the Commission contained in the abovementioned Agreement of 28 May 1969 remains applicable to products subject to that procedure which are not covered by this Directive;

Whereas, in practice, national technical standards may have the same effects on the free movement of goods as technical regulations;

Whereas it would therefore appear necessary to inform the Commission of draft standards under similar conditions to those which apply to technical regulations; whereas, pursuant to Article 213 of the Treaty, the Commission may, within the limits and under the conditions laid down by the Council in accordance with the provisions of the Treaty, collect any information and carry out any checks required for the performance of the tasks entrusted to it;

Whereas it is also necessary for the Member States and the standards institutions to be informed of standards contemplated by standards institutions in the other Member States;

⁽¹⁾ OJ No C 253, 1. 10. 1980, p. 2.

⁽²⁾ OJ No C 144, 15. 6. 1981, p. 122.

⁽³⁾ OJ No C 159, 29. 6. 1981, p. 23.

⁽⁴⁾ OJ No C 76, 17. 6. 1969, p. 9.

⁽⁵⁾ OJ No C 9, 15. 3. 1973, p. 3.

Whereas it is necessary to set up a Standing Committee, the members of which will be appointed by the Member States with the task of helping the Commission to examine draft national standards and cooperating in its efforts to lessen any adverse effects thereof on the free movement of goods,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, the following meanings shall apply:

1. 'technical specification', a specification contained in a document which lays down the characteristics required of a product such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product as regards terminology, symbols, testing and test methods, packaging, marking or labelling;
2. 'standard', a technical specification approved by a recognized standardizing body for repeated or continuous application, with which compliance is not compulsory;
3. 'standards programme', document listing the subjects for which it is intended to draw up or alter a standard;
4. 'draft standard', document containing the text of the technical specifications concerning a given subject, which is being considered for adoption in accordance with the national standards procedure, as that document stands after the preparatory work and as circulated for public comment or scrutiny;
5. 'technical regulation', technical specifications, including the relevant administrative provisions, the observance of which is compulsory, *de jure* or *de facto*, in the case of marketing or use in a Member State or a major part thereof, except those laid down by local authorities;
6. 'draft technical regulation', the text of a technical specification including administrative provisions, formulated with the aim of enacting it or of ultimately having it enacted as a technical regulation, the text being at a stage or

preparation at which substantial amendments can still be made;

7. 'product', industrially manufactured products other than agricultural products within the meaning of Article 38 (1) of the Treaty, products for human or animal consumption, medicinal products within the meaning of Directive 65/65/EEC ⁽¹⁾ and cosmetic products within the meaning of Directive 76/768/EEC ⁽²⁾.

Article 2

1. The Commission and the standards institutions in List 1 annexed hereto shall be informed each year, not later than 31 January, of the standards programmes drawn up by the national institutions in List 2 annexed hereto. This information shall be brought up to date every quarter. The Commission may amend or supplement these lists on the basis of communications from the Member States.

2. Standards programmes shall indicate in particular whether the standard:

- will be the transposition in full of an existing international or European standard,
- will be the transposition of an international or European standard incorporating certain national divergences or amendments,
- will be a new national standard,
- will constitute an amendment of a national standard.

After consulting the Committee referred to in Article 5, the Commission may draw up rules for the codified presentation of this information and a plan and criteria for the presentation of standards programmes designed to facilitate their comparison.

3. The Commission shall keep this information at the disposal of the Member States in a form in which the different programmes can be compared.

Article 3

The Commission and the standards institutions shall be informed if one or more standards institutions:

⁽¹⁾ OJ No 22, 9. 2. 1965, p. 369/65.
⁽²⁾ OJ No L 262, 27. 9. 1976, p. 169.

- wish to be involved passively or actively (by sending an observer) in activities planned by other standards institutions,
- wish a European standard or any other document leading to uniform technical specifications to be drawn up.

Article 4

At least every four months the standards institutions referred to in List 1 and the Commission shall receive all new draft standards, except where such standards merely transpose the full text of an international or European standard.

When a draft is communicated it shall be indicated whether the standard will be:

- the transposition of an international or European standard incorporating certain national divergences or amendments,
- a new national standard, or
- an amendment of a national standard.

Article 5

A Standing Committee shall be set up consisting of representatives appointed by the Member States who may call on the assistance of experts or advisers; its chairman shall be a representative of the Commission.

The Committee shall draw up its own rules of procedure.

Article 6

1. The Committee shall meet at least twice a year with the representatives of the standards institutions referred to in List 1.

2. The Commission shall submit to the Committee a report on the implementation and application of the abovementioned procedures and proposals aimed at eliminating existing or foreseeable barriers to trade.

3. The Committee shall express its opinion on the communications and proposals referred to in paragraph 2 and may in this connection propose, in particular, that the Commission:

- request the European standards institutions to draw up a European standard within a given time limit,

- ensure where necessary, in order to avoid the risk of barriers to trade, that initially the Member States concerned decide amongst themselves on appropriate measures,
- take all appropriate measures.

4. The Committee must be consulted by the Commission:

- (a) before any amendment is made to the lists in the Annex (Article 2 (1));
- (b) when drawing up the rules for the codified presentation of information and the plan and criteria for the presentation of standards programmes (Article 2 (2));
- (c) when deciding on the actual system whereby the exchange of information provided for in this Directive is to be effected and on any change to it;
- (d) when reviewing the operation of the system set up by this Directive (Article 11).

5. The Committee may be consulted by the Commission on any preliminary draft technical regulation received by the latter.

6. Any question regarding the implementation of this Directive may be submitted to the Committee at the request of its chairman or of a Member State.

7. The proceedings of the Committee and the information to be submitted to it shall be confidential.

However, the Committee and the national authorities may, provided that the necessary precautions are taken, consult, for an expert opinion, natural or legal persons, including persons in the private sector.

Article 7

1. Member States shall take all appropriate measures to ensure that their standards institutions do not draw up or introduce standards in the field in question while the European standard referred to in the first indent of Article 6 (3) is being drawn up. This undertaking shall lapse unless a European standard has been introduced within six months following expiry of the time limit fixed in accordance with the said indent.

2. Paragraph 1 shall not apply to the work of standards institutions undertaken at the request of the

public authorities to draw up technical specifications or a standard for specific products for the purpose of enacting a technical regulation for such products.

Member States shall communicate all requests of the kind referred to in the preceding subparagraph to the Commission as draft technical regulations, in accordance with Article 8 (1), and shall state the grounds for their enactment.

Article 8

1. Member States shall immediately communicate to the Commission any draft technical regulation, except where such technical regulation merely transposes the full text of an international or European standard, in which case information regarding the relevant standard shall suffice; they shall also let the Commission have a brief statement of the grounds which make the enactment of such a technical regulation necessary, where these are not already made clear in the draft.

The Commission shall immediately notify the other Member States of any draft it has received; it may also refer this draft to the Committee for its opinion.

2. The Commission and the Member States may make comments to the Member State which has forwarded a draft technical regulation; that Member State shall take such comments into account as far as possible in the subsequent preparation of the technical regulation.

3. At the express request of a Member State or the Commission, Member States shall communicate to them, without delay, the definitive text of a technical regulation.

4. The information supplied under this Article shall be confidential.

However, the Committee and the national authorities may, provided that the necessary precautions are taken, consult, for an expert opinion, natural or legal persons, including persons in the private sector.

Article 9

1. Without prejudice to paragraph 2, Member States shall postpone the adoption of a draft technical regulation for six months from the date of the notification referred to in Article 8 (1) if the Commission or another Member State delivers a detailed opinion, within three months of that date, to the effect that the measure envisaged must be amended in order to eliminate or reduce any barriers which it might create to the free movement of goods.

2. The period in paragraph 1 shall be 12 months if, within three months following the notification referred to in Article 8 (1), the Commission gives notice of its intention of proposing or adopting a Directive on the subject.

3. Paragraphs 1 and 2 shall not apply in those cases where, for urgent reasons relating to the protection of public health or safety, a Member State is obliged to prepare technical regulations in a very short space of time in order to enact and introduce them immediately without any consultations being possible. In such cases the Member State in question shall in the notification provided for in Article 8 state the grounds warranting the urgent adoption of the measures.

Article 10

Articles 8 and 9 shall not apply where Member States honour their obligations arising out of Community Directives or commitments arising out of an international agreement where they result in the adoption of uniform technical specifications in the Community.

Article 11

No later than four years following the date of notification of this Directive the Commission, in close cooperation with the Committee referred to in Article 5, shall review the operation of the procedures laid down in this Directive and, if need be, submit any relevant proposals for amending them.

Article 12

1. Member States shall bring into force the measures necessary in order to comply with this Directive within 12 months following its notification and shall forthwith inform the Commission thereof.

2. Member States shall ensure that the texts of the main provisions of national law which they adopt in the field governed by this Directive are communicated to the Commission.

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 28 March 1983.

For the Council
The President
J. ERTL

ANNEX

LIST 1

Standards institutions

AFNOR (France):
Association française de normalisation,
Tour Europe, Cedex 7,
F-92080 Paris-La-Défense

UTE (France):
Union technique de l'électricité (UTE),
12, place des États-Unis,
F-75703 Paris Cedex 16

BSI (United Kingdom):
British Standards Institution,
2 Park Street,
UK-London W1A 2BS

BEC (United Kingdom):
British Electrotechnical Committee,
British Standards Institution,
2 Park Street,
UK-London W1A 2BS

DS (Denmark):
Dansk Standardiseringsråd,
Aurehøjvej 12,
Postboks 77,
DK-2900 Hellerup 12

DEK (Denmark):
Dansk Elektroteknisk Komite (DEK),
Strandgade 36 st.,
DK-1401 København K

DIN (Germany):
DIN Deutsches Institut für Normung e.v.,
Burggrafenstrasse 4-10,
Postfach 1107,
D-1000 Berlin 30

DKE (Germany):
Deutsche Elektrotechnische Kommission im DIN und
VDE (DKE),
Stresemannallee 15,
D-6000 Frankfurt am Main 70

ELOT (Greece):
Hellenic Organization for Standardization (ELOT),
Didotou 15,
GR-Athens 144

IBN (Belgium):
Institut belge de normalisation, Belgisch Instituut voor
Normalisatie
29, avenue de la Brabançonne (laan)
B-1040 Bruxelles/Brussel

CEB (Belgium):
Comité électrotechnique (CEB)
(Belgisch Elektrotechnische Comité (BEC)),
3, galerie Ravenstein, bte 11,
B-1000 Bruxelles

IIRS (Ireland):
Institute for Industrial Research and Standards,
Ballymun Road,
IRL-Dublin 9

ETCI (Ireland):
Electro-Technical Council of Ireland (ETCI),
Institute for Industrial Research and Standards,
Ballymun Road,
IRL-Dublin 9

Luxembourg:
Inspection du travail et des mines,
2, rue des Girondins,
L-Luxembourg

NNI (Netherlands):
Nederlands Normalisatie Instituut,
Postbus 5059,
NL-2600 GB Delft

NEC (Netherlands):
Nederlands Elektrotechnisch Comité (NEC),
Kalfjeslaan 2,
NL-2623 AA Delft T

UNI (Italy):
Ente nazionale italiano di unificazione,
piazza Armando Diaz 2,
I-20123 Milano

CEI (Italy):
Comitato elettrotecnico italiano (CEI),
viale Monza 259,
I-20126 Milano

CEN:
Comité européen de normalisation,
rue de Brederode,
Bruxelles

CENELEC:
Comité européen de normalisation
électrotechnique,
rue de Brederode,
Bruxelles

LIST 2

National standards institutions in the Member States of the European Community

(Same as those in List 1 except for CEN and CENELEC)

COMMISSION

COMMISSION DIRECTIVE

28 March 1983

adapting to technical progress Council Directive 78/764/EEC on the approximation of the laws of the Member States relating to the driver's seat on wheeled agricultural or forestry tractors

(83/190/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 74/150/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors ⁽¹⁾, as last amended by Directive 79/694/EEC ⁽²⁾, and by the Act of Accession of Greece, and in particular Article 11 thereof,

Having regard to Council Directive 78/764/EEC of 25 July 1978 on the approximation of the laws of the Member States relating to the driver's seat on wheeled agricultural or forestry tractors ⁽³⁾,

Whereas experience gained and the current state of the art now make it possible to supplement certain requirements and bring them more into line with actual test conditions; whereas it has proved necessary to amend the wording of certain items in some language versions so as to ensure alignment with the other language versions;

Whereas this first set of amendments may be followed by others concerning, initially, a procedure for the inspection of the driver's seat on tractors whose mass exceeds 5 tonnes, in particular by means of test-stand examinations and, subsequently, as soon as technical conditions so permit, the replacement of track tests by test-stand inspections and, if possible, of test personnel by mechanical devices (for example, dummies);

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for the Adaptation to Technical Progress of the Directives on the Elimination of Technical Barriers to Trade in Agricultural or Forestry Tractors,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I, II and IV to Directive 78/764/EEC are hereby amended in accordance with the Annex to this Directive.

Article 2

1. With effect from 1 October 1983, no Member State may:

— refuse to grant EEC type-approval, to issue the document referred to in the last indent of Article 10 (1) of Directive 74/150/EEC or to grant national type-approval in respect of a type of tractor, or

— prohibit the entry into service of tractors,

if the driver's seat of this type of tractor or of these tractors complies with the provisions of this Directive.

2. With effect from 1 October 1984, Member States:

— shall no longer issue the document referred to in the last indent of Article 10 (1) of Directive 74/150/EEC in respect of a type of tractor in which the driver's seat does not comply with the provisions of this Directive,

⁽¹⁾ OJ No L 84, 28. 3. 1974, p. 10.

⁽²⁾ OJ No L 205, 13. 8. 1979, p. 17.

⁽³⁾ OJ No L 255, 18. 9. 1978, p. 1.

- may refuse to grant national type-approval in respect of a type of tractor in which the driver's seat does not comply with the provisions of the present Directive.

Article 3

Member States shall bring into force the provisions necessary to comply with this Directive by 30 September 1983 at the latest. They shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 28 March 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

ANNEX

Annex I to Directive 78/764/EEC is hereby amended as follows:

Item 9 shall be replaced by the following:

- '9. **Suspension travel**
"Suspension travel" means the vertical distance between the highest position and the position at a given moment of a point situated on the seat surface 200 mm in front of the seat reference point in the median longitudinal plane.'

Item 10: The English version shall remain unchanged.

Item 13 shall be deleted.

Item 14 shall become Item 13, and the following definitions shall be added:

- a_{ws} = rms value of the weighted seat vibration acceleration measured during a bench test or a standard roadway test;
- a_{wB} = rms value of the weighted vibration acceleration measured at the seat attachment during a bench test;
- a_{wB}^* = reference rms value of the weighted vibration acceleration measured at the seat attachment;
- a_{ws}^* = corrected rms value of the weighted seat vibration acceleration measured during a bench test;
- a_{wF}^* = rms value of the weighted vibration acceleration measured at the seat attachment during a standard roadway test.'

Item 15 shall become Item 14. The English version shall remain unchanged.

Item 16 shall become Item 15.

Item 17 shall become Item 16 and shall be replaced by the following:

- '16. **Category A tractor**
"Category A tractor" means a tractor which can be assigned to a given vibration class by reason of similar design features.'

Items 17.1 and 17.2 shall become Items 16.1 and 16.2 respectively.

Item 18 shall be deleted, together with its sub-items.

Item 19 shall become Item 17 and shall be replaced by the following:

- '17. **Category B tractor**
"Category B tractor" means a tractor which cannot be assigned to a vibration class in Category A.'

Item 20 shall become Item 18 and its sub-items shall become sub-Items 18.1, 18.2, 18.3 and 18.4.

Annex II to Directive 78/764/EEC is hereby amended as follows:

- Item 1.3.1. The English version shall remain unchanged.
- Item 1.6.2. In the last line '+0,1 bar' shall be replaced by ' $\pm 0,1$ bar' in all language versions except the Danish.
- 1.7.1. The English version shall remain unchanged.
- 1.7.2. The English version shall remain unchanged.

Item 1.7.3 shall be replaced by the following:

- '1.7.3. Determination of vertical vibration characteristics.'

After Item 1.7.3, the following new item shall be added:

- '1.7.4. Determination of the damping characteristics in the resonance range.'

Item 1.8: In the English version only, the repetition of the words 'locked in a position' shall be deleted.

Item 2.1.3: The English version only shall be replaced by the following:

- '2.1.3. The depth and width of the surface of seats intended for tractors in which the minimum rear-wheel track width does not exceed 1 150 mm may be reduced to not less than 300 and 400 mm respectively if the design of the tractor prevents compliance with the requirements of Items 2.1.1 and 2.1.2.'

Item 2.4.1: The English version only shall be replaced by the following:

- '2.4.1. The seat must be adjustable in the longitudinal direction over a minimum distance of:
 - 150 mm for tractors with a minimum rear-wheel track width of more than 1 150 mm,
 - 60 mm for tractors with a minimum rear-wheel track width of 1 150 mm or less.'

Item 2.4.2: The English version only shall be replaced by the following:

- '2.4.2. The seat must be adjustable in the vertical direction over a minimum distance of:
 - 60 mm for tractors with a minimum rear-wheel track width of more than 1 150 mm,
 - 30 mm for tractors with a minimum rear-wheel track width of 1 150 mm or less.'

Item 2.5.1 shall be replaced by the following:

- '2.5.1. Determination of the suspension characteristics and the range of adjustment to the driver's mass.'

Item 2.5.1.1 shall be replaced by the following:

- '2.5.1.1. The suspension characteristics are determined by a static test. The range of adjustment to the driver's mass is calculated from the suspension characteristics. These calculations are not necessary in the case of seats that cannot be manually adjusted to the driver's mass.'

Item 2.5.1.2: The second sentence shall be replaced by the following:

- 'The measuring error for the suspension travel shall not exceed ± 1 mm.'

Item 2.5.1.3 shall be replaced by the following:

- '2.5.1.3. A complete characteristic curve representing the deflection of the suspension system must be plotted from zero load to maximum load, and back to zero. The load graduations at which the suspension travel is measured must not exceed 100 N; at least eight measurement points must be plotted at approximately equal intervals in the suspension travel. The point taken as the maximum load should be either that at which no further suspension travel can be measured, or a load of 1 500 N. After each application or removal of the load, the suspension travel must be measured 200 mm in front of the seat reference point in the median longitudinal plane of the seat surface. After application or removal of the load, the seat must be allowed to return to its at-rest position.'

Items 2.5.1.4, 2.5.1.4.1 and 2.5.1.4.2 shall be replaced the following:

- '2.5.1.4. In the case of seats with a mass adjustment scale, the characteristic curves representing the deflection of the suspension system are plotted at mass adjustments for drivers having a mass of 50 and 120 kg. In the case of seats without a mass adjustment scale and with adjustment stops, measurements are taken at the lowest and the highest mass adjustment. In the case of seats without a mass adjustment scale or adjustment stops, the adjustment must be so selected that:
- 2.5.1.4.1. for the lower mass adjustment limit, the seat just returns to the top of the suspension travel when the load is removed, and
- 2.5.1.4.2. for the upper mass adjustment limit, the load of 1 500 N depresses the seat to the lowest limit of the suspension travel.'

Items 2.5.1.4.3 and 2.5.1.4.4 shall be deleted.

Item 2.5.1.5: In the Danish and French versions only, and adjective corresponding to 'full' shall be inserted to qualify the word corresponding to 'travel'.

Item 2.5.1.5: In the Danish and French versions only, an adjective corresponding to 'full' shall be inserted to qualify the word corresponding to 'travel'.

Item 2.5.1.7 shall be replaced by the following:

- '2.5.1.7. To determine the limits of the adjustment range as a function of the driver's mass, the vertical forces determined in accordance with Item 2.5.1.6 for points A and B (see Appendix 2 to this Annex) must be multiplied by the scale factor 0,13 kg/N'.

Item 2.5.2 shall be replaced by the following:

- '2.5.2. *Determination of lateral stability*'

Item 2.5.2.1 shall be replaced by the following:

- '2.5.2.1. The seat must be set for the upper limit of the weight adjustment and connected to the test stand or to the tractor in such a way that its base plate rests on a rigid plate (test stand) not smaller than the base plate itself.'

Item 2.5.3 shall be replaced by the following:

'2.5.3. *Determination of the vertical vibration characteristics*'

Item 2.5.3.1.1 shall be replaced by the following:

'2.5.3.1.1. The test stand must simulate the vertical vibrations at the point of attachment of the driver's seat. The vibrations are generated by means of an electro-hydraulic device. The set values to be used are either those specified in Appendices 4 and 5 to Annex II for the class of tractor in question or the double-integrated acceleration signals recorded at the seat attachment of a Category B tractor moving at a speed of $12 \pm 0,5$ km/h on a standard roadway as defined in Item 2.5.3.2.1. To generate the vibrations, an uninterrupted double run of the set values must be used.

The transition from the end of the sequence of acceleration signals recorded on the standard roadway in the first run to the start of the second run must be smooth and jolt-free. The measurements must not be made during the first run of the set values or of the acceleration signals. More values than the 700 laid down in Appendices 4 and 5 to Annex II may be used if these values were calculated, for example, with a cubic Spline function from the original 700 values.'

Item 2.5.3.1.3 shall be replaced by the following:

'2.5.3.1.3. The test stand must have a high degree of flexural and torsional rigidity and its bearings and guides must have no more than the technically necessary clearance. If the platform is carried on an oscillating arm, the dimension R must be not less than 2 000 mm (see Appendix 6). The magnitude of the vibration ratio at frequencies between 0,5 and 5,0 Hz shall be within the range $1,00 \pm 0,05$, measured at intervals not exceeding 0,5 Hz. The phase shift shall not vary by more than 20° throughout the same frequency range.'

Item 2.5.3.2.1 shall be replaced by the following:

'2.5.3.2.1. The roadway consists of two parallel strips spaced according to the wheel track of the tractor. Both strips must be made of a rigid material, such as wood or concrete, and be formed either of blocks set in a base structure or of a continuous smooth surface. The longitudinal profile of each track strip is defined by the ordinates of elevation in relation to a base level; these ordinates are shown in the tables in Appendix 3. With regard to the roadway, the elevation is defined at intervals of 16 cm along each strip.

The roadway must be firmly set in the ground and the distance between the strips must deviate only slightly over its entire length; the tractor's wheels must be fully supported at all times. Where the strips are formed of blocks, these must be 6 to 8 cm thick, with a distance of 16 cm between the centres of the blocks. The length of the standard roadway shall be 100 m.

The measurements must begin as soon as the axis of the rear axle of the tractor is perpendicular to point D=0 on the roadway, and end as soon as the axis of the front axle of the tractor is perpendicular to point D=100 of the test roadway (see the table in Appendix 3 to this Annex).'

Item 2.5.3.2.2 shall be replaced by the following:

'2.5.3.2.2. Measurements shall be taken at a speed of $12 \pm 0,5$ km/h.'

The prescribed speed must be maintained without the use of brakes. The vibrations must be measured on the seat and at the point where the seat is attached to the tractor, with a light and a heavy driver.

The speed of 12 km/h must be reached after a run-up track has been traversed. The surface of this run-up track must be flat and must join the standard roadway without any change in level.'

Item 2.5.3.3.1 shall be replaced by the following:

'2.5.3.3.1. Driver's mass

The tests must be carried out with two drivers: one with a total mass of 59 ± 1 kg, of which not more than 5 kg may be carried in a weighting belt around the body; the other with a mass of 98 ± 5 kg with a maximum mass of 8 kg in the weighting belt.'

Item 2.5.3.3.2 shall be replaced by the following:

'2.5.3.3.2. Position of the accelerometer

To measure the vibrations transmitted to the driver, an accelerometer is fixed on a flat plate with a diameter of 250 ± 50 mm, the central part of which must be rigid up to a diameter of 75 mm and must include a rigid device to protect the accelerometer. This plate must be placed in the middle of the seat surface between the seat and the driver and have a non-slip surface.

To measure the vibrations at the seat attachment, an accelerometer must be fixed near to this attachment at a point not more than 100 mm from the median longitudinal plane of the tractor and not outside the vertical projection of the seat surface on the tractor.'

Item 2.5.3.3.3: In the English version only, the symbol 'Hz' shall be inserted after the figure '80' to indicate the unit of measurement.

Item 2.5.3.3.5.3: In the German and Danish versions only, the symbol ' a_w ' used in the I formula must be placed in brackets.

The last sentence shall read as follows:

'The inaccuracy of the entire system for measuring the rms value of the acceleration must not exceed $\pm 5\%$ of the measured value.'

Item 2.5.3.3.7.1 shall be replaced by the following:

'2.5.3.3.7.1. During each test, the weighted vibration acceleration for the whole test time must be determined with the vibration meter specified in Item 2.5.3.3.5.'

Item 2.5.3.3.7.2 shall be replaced by the following:

'2.5.3.3.7.2. The test report must give the arithmetic mean value of the rms values of the weighted seat vibration acceleration (a_{wS}) for both the light driver and the heavy driver. The test report must also give the ratio of the arithmetic mean of the rms values of the weighted vibration acceleration measured on the seat (a_{wS}) to the arithmetic mean of the rms values of the weighted vibration acceleration measured at the seat attachment (a_{wB}). This ratio shall be given to two decimal places.'

Item 2.5.3.3.7.3 shall be replaced by the following:

- '2.5.3.3.7.3. The ambient temperature during the vibration test must be measured and shown in the report.'

Item 2.5.4 shall be replaced by the following:

- '2.5.4. *Vibration test for tractor seats in accordance with their intended use*'

Item 2.5.4.2: In the German version only, 'Schwingungsprüfung' shall be replaced by 'Prüfung auf dem Schwingungsprüfstand'.

Item 2.5.5 shall be replaced by the following:

- '2.5.5. *Procedure used for determining the weighted vibration acceleration of seats intended for Category A tractors*'

Items 2.5.5.1 and 2.5.5.2 shall be deleted.

Item 2.5.5.3 shall become Item 2.5.5.1 and read as follows:

- '2.5.5.1. The test on the vibration test stand shall be carried out in accordance with Item 2.5.3.1. the value a_{wB} actually occurring at the seat attachment during measurement must be determined. In the case of deviations from the reference value:

$$a_{wB}^* = 2,05 \text{ m/s}^2 \text{ for Category A tractors in Class I;}$$

$$a_{wB}^* = 1,7 \text{ m/s}^2 \text{ for Category A tractors in Class II.}$$

The acceleration a_{wS} measured at the driver's seat must be corrected in accordance with the following equation:

$$a_{wS}^* = a_{wS} \frac{a_{wB}^*}{a_{wB}}$$

Item 2.5.5.4 shall become Item 2.5.5.2 and read as follows:

- '2.5.5.2. For each of the two drivers referred to in Item 2.5.3.3.1, the weighted vibration acceleration must be measured at the seat over a period of 28 seconds. The measurement must begin at the set-value signal corresponding to $t=0$ seconds and end at the set-value signal $t=28$ seconds (see Appendices 4 and 5 to this Annex). At least two test runs must be carried out. The measured values must not deviate from the arithmetic mean by more than $\pm 5\%$. Each complete sequence of set points must be reproduced in a time of $28 \pm 0,5$ sec.'

Item 2.5.5 shall be replaced by the following:

- '2.5.6. *Procedure used for determining the weighted vibration acceleration of seats intended for Category B tractors.*'

Item 2.5.6.1 shall be replaced by the following:

- '2.5.6.1. In accordance with the requirements of Item 2.5.4.2, the seat vibration tests are not applicable to a class of tractors, but only to each tractor type for which the seat is intended.'

Item 2.5.6.2 shall be replaced by the following:

- '2.5.6.2. The standard roadway test must be carried out in accordance with the requirements of Items 2.5.3.2 and 2.5.3.3. The vibration acceleration measured on the driver's seat (a_{wS}) need not be corrected. At least two test runs must be carried out on the standard roadway. The measured values must not deviate from the arithmetic mean by more than $\pm 10\%$.'

Item 2.5.6.3 shall be replaced by the following:

- '2.5.6.3. If a bench test is conducted, it must be carried out in association with a standard roadway test pursuant to the requirements of Items 2.5.3.1 and 2.5.3.3.'

Item 2.5.6.4 shall be replaced by the following:

- '2.5.6.4. The vibration test stand shall be adjusted in such a way that the rms value of the weighted vibration acceleration recorded at the seat attachment (a_{wB}) deviates by less than $\pm 5\%$ from the rms value of the weighted vibration acceleration at the seat attachment recorded on the standard roadway (a_{wF}^*).

In the event of deviations from the value (a_{wF}^*) measured at the seat attachment during the test run, the weighted vibration acceleration recorded at the driver's seat during the test on the test stand must be corrected as follows:

$$a_{wS}^* = a_{wS} \frac{a_{wF}^*}{a_{wB}}$$

Each of the tests on the test stand must be carried out twice. The measured values must not deviate from the arithmetic mean by more than $\pm 5\%$.'

After Item 2.5.6.4, the following new items shall be added:

- '2.5.7. *Test for determining the damping characteristics in the resonance range*

- 2.5.7.1. This test is carried out on the test stand as specified in Item 2.5.3.1. However, account must be taken of the following:

- 2.5.7.2. Instead of the set values specified in the second paragraph of Item 2.5.3.1.1 (see Appendices 4 and 5 to this Annex), sinusoidal oscillations of ± 15 mm amplitude with a frequency of 0,5 to 2 Hz are generated. The frequency range is to be run through with a constant rate of frequency change in not less than 60 seconds or at intervals no greater than 0,05 Hz with increasing frequency, and in an identical manner with decreasing frequency. During this measurement, it is permissible to filter the signals emitted by the accelerometers through a bandpass filter with cut-off frequencies of 0,5 and 2,0 Hz.

- 2.5.7.3. The seat is to be loaded with a ballast of 40 kg in the first test and with a mass of 80 kg in the second test; the ballast is to be applied on the device illustrated in Figure 1 of Appendix 1, with the same line of action of the force as when determining the seat reference point.

- 2.5.7.4. The ratio of the rms values of the vibration acceleration on the seat surface a_{wS} to those at the seat attachment a_{wB} :

$$V = \frac{a_{wS}}{a_{wB}}$$

is to be determined in the frequency range from 0,5 to 2,0 Hz at intervals no greater than 0,05 Hz.

- 2.5.7.5. The ratio measured must be given in the test report to two decimal places.'

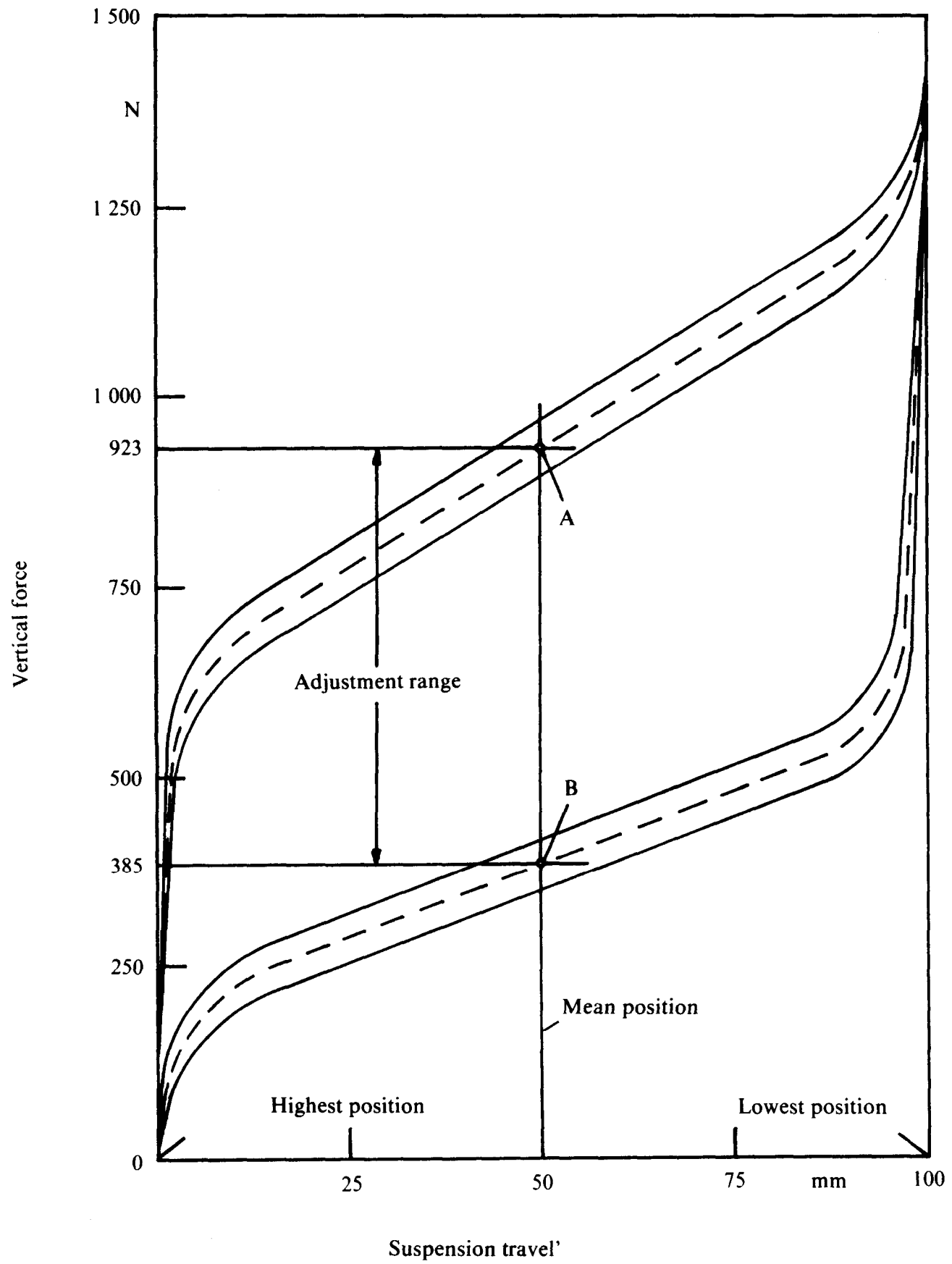
After Item 3.1.3, the following new Item 3.1.4 shall be added:

- '3.1.4. The ratio referred to in Items 2.5.7.4 and 2.5.7.5 shall not exceed the value of 2.'

Appendix 2 is hereby replaced by the following:

Appendix 2

Determination of the characteristic curves of the suspension system and the load adjustment range
(Item 2.5.1)



Appendix 3 is hereby amended as follows:

In the table heading, 'an arbitrary' shall be replaced by 'a'. The existing definition of D shall be replaced by the following:

'D = distance from the beginning of the standard roadway (in metres).'

Appendix 4 is hereby replaced by the following:

Appendix 4

Set-value signals for the test-stand inspection of the driver's seat on Category A (Class I) tractors (Item 2.5.3.1.1):

PS = set point;

a = amplitude of the set-value signal (in 10^{-4} m);

t = measurement time (in seconds).

When the sequence of signals is repeated in the table for 701 points, points 700 and 0 coincide in time at an amplitude of $a = 0$:

PS No	a 10^{-4} m	t s
0	0 000	0
1	0 089	.
2	0 215	.
.	.	.
.	.	.
.	.	.
699	0 023	.
700	0 000	28,0'

Appendix 5 is hereby replaced by the following:

Appendix 5

Set-value signals for the test-stand inspection of the driver's seat on Category A (Class II) tractors (Item 2.5.3.1.1):

PS = set points;

a = amplitude of the set-value signal (in 10^{-4} m);

t = measurement time (in seconds).

When the sequence of signals is repeated in the table for 701 points, points 700 and 0 coincide in time at an amplitude of $a = 0$:

PS No	a 10^{-4} m	t s
0	0 000	0
1	0 022	.
2	0 089	.
.	.	.
.	.	.
.	.	.
699	0 062	.
700	0 000	28,0'

The title of Appendix 6 shall be replaced by the following:

'Test stand (Item 2.5.3.1); example of construction (dimensions in mm)'

Appendices 7, 9 and 10 shall be deleted.

Appendices 8 and 11 shall become Appendices 7 and 8 respectively.

The following shall be added to Item 11 of Annex III:

'This note must be sent to the competent authorities of the other Member States if they so request.'

The English version only of Annex IV to Directive 78/764/EEC shall be amended as follows:

Item 3 shall be replaced by the following:

3. Seats intended for tractors with a minimum rear-wheel track of not more than 1 150 mm may have the following minimum dimensions in respect of the depth and width of the seat surface:

- depth of seat surface: 300 mm;
- width of seat surface: 400 mm.

This provision is applicable only if the values specified for the depth and the width of the seat surface (i.e. 400 ± 50 mm and at least 450 mm respectively) cannot be adhered to on grounds relating to the tractor.'

Item 4: In the French version only, 'Annex I' shall be replaced by 'Annex V'.

SECOND COMMISSION DIRECTIVE

of 30 March 1983

adapting to technical progress Annexes II, III, IV and V to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

(83/191/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽¹⁾, as last amended by Directive 82/368/EEC ⁽²⁾, and in particular Article 8 (2) thereof,

Whereas, on the basis of studies carried out, the barium, strontium and zirconium lakes, salts and pigments of a limited number of colouring agents may be authorized;

Whereas, on the basis of existing scientific knowledge, the use of 6-methylcoumarin in cosmetic

products may be authorized subject to certain conditions;

Whereas to safeguard public health, measures should be adopted in respect of silver nitrates;

Whereas, on the basis of information received, certain complexes of zirconium may be provisionally authorized as antiperspirants subject to certain conditions;

Whereas the French and Italian versions of the Annexes to Directive 76/768/EEC contain typographical errors that should be corrected;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Cosmetic Products Sector,

HAS ADOPTED THIS DIRECTIVE:

⁽¹⁾ OJ No L 262, 27. 9. 1976, p. 169.

⁽²⁾ OJ No L 167, 15. 6. 1982, p. 1.

Article 1

Directive 76/768/EEC is hereby amended as follows:

1. In Annex II, the wording relating to substance No 46 is replaced by the following:

'46. Barium salts, with the exception of barium sulphate, barium sulphide under the conditions laid down in Annex III, Part 1, and lakes, salts and pigments prepared from the colouring agents listed with the reference ⁽⁵⁾ in Annex III, Part 2 and Annex IV, Part 2.'

2. The following is added to Part 1 of Annex III:

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
46	6-methylcoumarin	Oral hygiene products	0,003 %		

3. Part 2 of Annex III is amended as follows:

— the following colour index numbers are deleted:

15 630 : 1 (Ba)

15 630 : 3 (Sr)

15 865 : 3 (Sr);

— delete '(Ba)' in '45 170 : 1 (Ba)';

— reference ⁽⁵⁾ is inserted after the following colour index numbers:

12 085 10 316 42 051

15 585 12 075

15 630 15 510

15 850 15 985

15 865 19 140

16 255

45 170

45 370

45 380

45 410

45 430

— the following footnote is added:

'⁽⁵⁾ The insoluble barium, strontium and zirconium lakes, salts and pigments of these colouring agents shall also be permitted. They must pass the test for insolubility which will be determined by the procedure laid down in Article 8.'

4. The following is added to Part 1 of Annex IV:

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
6	Silver nitrate	Solely for products intended to dye eyelashes and eyebrows	4 %		<ul style="list-style-type: none"> — Contains silver nitrate — Rinse eyes immediately if product comes into contact with them
7	Aluminium zirconium chloride hydroxide complexes $Al_xZr(OH)_yCl_z$ and the Aluminium zirconium chloride hydroxide glycine complexes	Antiperspirants	20 % as anhydrous aluminium zirconium chloride hydroxide 5,4 % as zirconium	<ol style="list-style-type: none"> 1. The ratio of the number of aluminium atoms to that of zirconium atoms must be between 2 and 10 2. The ratio of the number of (Al + Zr) atoms to that of chlorine atoms must be between 0,9 and 2,1 3. Prohibited in aerosol dispensers (sprays) 	

5. Part 2 of Annex IV is amended as follows:

- the following colour index number is deleted:
15 585 : 1 (Ba)
- reference ⁽⁵⁾ is inserted after the following colour index number: 27 290
- the following footnote is added:
'⁽⁵⁾ The insoluble barium, strontium and zirconium lakes, salts and pigments of these colouring agents shall also be permitted. They must pass the test for insolubility which will be determined by the procedure laid down in Article 8.'

6. Part 3B of Annex IV is amended as follows:

- under the heading 'Violets, browns, blacks and whites', 'Disperse violet 23' is replaced by '60 724'.

7. In Annex V the wording relating to substances numbers 5 and 6 is replaced by:

- '5. Strontium and its compounds, with the exception of strontium sulphide under the conditions laid down in Annex III, Part 1, and of strontium salts, lakes and pigments of the colouring agents listed with reference ⁽⁵⁾ in Annex III, Part 2, and in Annex IV, Part 2.
- 6. Zirconium and its compounds, with the exception of the complexes under reference number 7 in Annex IV, Part 1, and of zirconium lakes, salts and pigments of colouring agents listed with reference ⁽⁵⁾ in Annex III, Part II, and in Annex IV, Part 2.'

Article 2

1. The French version of Annex IV, Part 1, to Directive 76/768/EEC is corrected as follows:

- in column d, relating to the substance designated by the reference number 4, read '35 %' instead of '3,5 %';
- in column b, relating to the substance designated by the reference number 5, the word between brackets must read. 'Tribromsalan' and not 'Tribomsalan'.

2. In the Italian version, footnote ⁽³⁾ to Annex III, Part 1, and to Annex IV, Part 2, to Directive 76/768/EEC should read as follows:

- '⁽³⁾ Sono ammessi anche le lacche o i sali di tali coloranti che contengono sostanze non vietate dall'allegato II o non escluse dal campo di applicazione della direttiva in base all'allegato V.'

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1984. They shall forthwith inform the Commission thereof.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 30 March 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

THE COMMUNITY LEGAL ORDER

Jean-Victor LOUIS

The European Communities are not simply a forum of discussion and negotiation between States. Their institutional structure, far more complex and original than that of traditional international organizations, has given birth to a vast quantity of legislation, most of which can be relied upon directly before national courts. The Court of Justice of the three Communities is faced with a workload increasing year by year in its efforts both to clarify the interpretation of Community law for the benefit of national courts and to resolve disputes between the institutions and individuals or Member States. In short, the Communities constitute a unique legal order with a highly complex structure, which penetrates further every day into economic and social reality in the Member States, yet still remains largely unrecognized.

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Jean-Victor Louis — Born 10 January 1938 — Agrégé in international law, Brussels University (ULB), 1969 — Lecturer in Community law, ULB — Former Director and Research Director, European Studies Department, ULB — Director of the Cahiers de Droit Européen — Head of the Legal Department, Banque Nationale de Belgique — Author of 'Les règlements de la Communauté économique européenne' and, with others, of 'Le droit de la Communauté économique européenne', ed. Jacques Mégret (nine volumes published).

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