



Notification Number: 2008/255/F

Draft Order on the homologation of devices for detecting alcoholic impregnation by exhaled air (or breathalyser) used by the police force and the gendarmerie and on the approval of laboratories authorised to perform tests, examinations and inspections on such devices

Date received : 25/06/2008

End of Standstill : 26/09/2008

Message

Message 002

Communication from the Commission - SG(2008) D/51191

Directive 98/34/EC

Translation of the message 001

Notification: 2008/0255/F

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200801191.EN)

1. Structured Information Line

MSG 002 IND 2008 0255 F EN 26-09-2008 25-06-2008 F NOTIF 26-09-2008

2. Member State

F

3. Department Responsible

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3. Originating Department

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Et de la vie associative
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Sous-direction de la promotion de la santé
Et de la prévention des maladies chroniques
Bureau des pratiques addictives (MC2)
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4. Notification Number

2008/0255/F - S10S

5. Title

Draft Order on the homologation of devices for detecting alcoholic impregnation by exhaled air (or breathalyser) used by the police force and the gendarmerie and on the approval of laboratories authorised to perform tests, examinations and inspections on such devices

6. Products Concerned

Devices for detecting alcoholic impregnation by exhaled air (or breathalysers)

7. Notification Under Another Act

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8. Main Content

The Order provides that the French Standards BREATHALYSER mark become the technical standard of reference for the quality control of such devices. The draft Order provides that chemical and electronic breathalysers shall be eligible for homologation, which have been subjected to approval tests and examinations attesting to their conformity to the requirements set out in the standards NF 20702 of July 2007 and NF 20703 of October 2000. Devices which comply with a model covered by a certificate of conformity to the standards, technical specifications and manufacturing and inspection processes guaranteeing a level of reliability equivalent to the standards NF 20702 or 20 703 aforementioned shall also be eligible.

It further provides that breathalysers certified pursuant to the French Standards BREATHALYSER mark shall be approved by right by the Minister responsible for health.

Finally, complementary approval tests and examinations shall be performed by French bodies or bodies from another Member State of the European Community or from a State party to the Agreement on the European Economic Area or from Turkey duly accredited pursuant to the standard NF EN ISO 17025 by the French Accreditation Committee (COFRAC) or by an accreditation body signatory to the multilateral agreement concluded within the framework of the European coordination of accreditation bodies for the inspection of the devices in question.

9. Brief Statement of Grounds

Article R. 234-2 of the Highway Code provides that operations to detect alcoholic impregnation by exhaled air, set out in particular in Article L. 234-9 of the same Code, shall be performed by means of a device in conformance with a type approved pursuant to the terms and conditions defined by Order of the Minister



responsible for health. The current regulations, which, for each new model of breathalyser, translate as an Order of the Minister responsible for health, provide for the preliminary examination of requests by the interministerial commission for the homologation of breathalysers. This procedure is very cumbersome. This draft Order simplifies the procedure, in particular by doing away with the compulsory examination of requests by the homologation commission, and updates it, in particular to include technological developments in this field.

10. Reference Documents - Basic Texts

Articles L. 234-9 and R. 234-2 of the Highway Code.

Order of 21 March 1983 on the homologation of devices for detecting alcoholic impregnation by exhaled air, and Orders of 6 August 1984 and 10 April 1995 amending it.

11. Invocation of the Emergency Procedure

no

12. Grounds for the Emergency

-

13. Confidentiality

no

14. Fiscal measures

no

15. Impact assessment

-

16. TBT and SPS aspects

TBT and SPS aspects (Agreements concluded in the framework of the TBT)

TBT aspect (Agreement on Technical Barriers to Trade)

a) Draft shall be notified in the TBT framework.

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)

a) Draft shall not be notified in the SPS framework (If the Member State answers NO, it gives reasons in support of its answer, and ticks below in the appropriate place(s):

1) The draft is not a sanitary or
or phytosanitary measure within the meaning of Appendix A to
the SPS Agreement.

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