



Notification Number: 1997/775/F

## Order implementing article L. 44.5 of the public health code on personal stereos.

Date received : 21/10/1997  
End of Standstill : 21/01/1998 ( 21/04/1998)  
Issue of comments by : Commission, European Free Trade Association (EFTA), Germany, Netherlands  
Issue of detailed opinion by : Austria, United Kingdom

### Message

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TELEX 002



COMMUNICATION FROM THE COMMISSION - SG (97) D/52958/2  
DIRECTIVES 83/189/EEC, 88/182/EEC AND 94/10/EC  
TRANSLATION OF TELEX 001  
NOTIFICATION 97/0775/F

- 3B1 : 9702958.EN

**1. Structured Information Line**

TLX 002 IND- 97 0775 F-- EN ----- 971021 --- ---

**2. Member State**

France

**3. Department Responsible**

Secrétariat Général du Comité Interministériel pour les  
Questions de Coopération Economique Européenne  
2, boulevard Diderot  
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**3. Originating Department**

Ministère de l'Emploi et de la Solidarité  
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**4. Notification Number**

97/0775/F

**5. Title**

Order implementing article L. 44.5 of the public health code  
on personal stereos.

**6. Products Concerned**

Personal stereos

**7. Notification Under Another Act**

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**8. Main Content**

The draft decree is intended, in implementation of article L. 44.5 of the public health code, to protect the hearing of personal stereo users by limiting the maximum level of acoustic pressure and informing them of the risks involved. Article one defines it as a personal stereo. The next two articles specify that the stereo is composed of several interchangeable components, to which the maximum sound power applies and that users must be informed of the compatibility



of these different components, especially of the fact that a head set has a much shorter average life than the main body of a personal stereo. As the Law can not be applied without the precise definition of criteria allowing the calculation of the maximum acoustic pressure, the latter are listed in article four and specified later in the technical annexe. In the absence of a special standard for personal stereos, this annexe refers to the standards closest to the subject and draws on the most recent work on test equipment, the signal, packaging, the measuring apparatus and level determination. Article five specifies the information to be supplied to users on the risks to hearing. Simple control procedures are defined in article six. Article seven provides for an implementation deadline sufficient for the manufacture and placing on the market to meet the conditions established by the order. In this way, by limiting the sound level and providing information on the risks to hearing, the health of personal stereo users will be better protected.

#### **9. Brief Statement of Grounds**

Recent studies show worrying hearing loss in young French people. Listening to music over a long period and at a high volume, particularly with a personal stereo, presents risks. There is no legislation or specific standard on this matter in the EC or the Member States. The present draft does not therefore interfere with free movement. Personal stereo manufacturers - very few of which are European and none of which are French - have already studied the hearing problems and some of them have restricted sound levels. The manufacturers trade unions were consulted and have collaborated on this draft and are in agreement; they are present in the other Member States, which will facilitate the action of other countries wanting to bring identical protection to their citizens. It would seem a good moment to develop European work on this subject and to appoint the CEN [EC standard]. Meanwhile, France considers that this public health measure is indispensable and urgent in order to protect young people from irreversible damage to their hearing.

#### **10. Reference Documents - Basic Texts**

- Law no. 96-452 of 28 May 1996 implementing various health, social and statutory measures (article 2).
- Draft decree on penalties in the event of violation of the provisions concerning personal stereos.

#### **11. Invocation of the Emergency Procedure**

No

#### **12. Grounds for the Emergency**

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**13. Confidentiality**

No

**14. Fiscal measures**

No

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COMEUR  
NNNN