



Notification Number: 1998/519/F

Draft Decree laying down the technical specifications for funeral parlours.

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Message

REP PERMANENTE ROYAUME UNI

REP PERMANENTE IRLANDE

REP PERMANENTE GRECE

MINISTRY OF INDUSTRY, ENERGY & TECHNOLOGY
ATT. MR. Z.P. MAVROUKAS

HELLINIKOS ORG. TYPOPISEOS
ATT. MR. MELAGRAKIS

SGS DOCUMENTATION SERVICES N.V.

DEPT. OF TRADE AND INDUSTRY, QUALITY AND EDUCATION DIVISION,
ATT. MRS. B. O'GRADY

INST INDUST RESEARCH.
ATT. MR. O. BYRNE

KOMMERSKOLLEGIUM
ATT. MS. KERSTIN CARLSSON

MINISTRY OF TRADE AND INDUSTRY
ATT. MS. NIEMINEN

EUROPEAN FREE TRADE ASSOCIATION SURVEILLANCE AUTHORITY

EUROPEAN FREE TRADE ASSOCIATION
ATT. MS. BAKKE-D'ALOYA

TELEX 002



COMMUNICATION FROM THE COMMISSION - SG (98) D/52815/2
DIRECTIVE 98/34/EC
TRANSLATION OF TELEX 001
NOTIFICATION 98/0519/F

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1. Structured Information Line

TLX 002 IND- 98 0519 F-- EN ----- 981110 --- ---

2. Member State

France

3. Department Responsible

Secrétariat Général du Comité Interministériel pour les
Questions de Coopération Economique Européenne
2, boulevard Diderot
F - 75012 Paris

Délégué Interministériel aux Normes
22, rue Monge
F-75005 Paris

3. Originating Department

Ministère de l'Intérieur
Direction Générale des Collectivités Locales
Sous-direction des compétences et des institutions locales
Bureau des services publics industriels et commerciaux
Place Beauvau
F-75008 Paris

Ministère de l'Emploi et de la Solidarité
Direction Générale de la Santé
Sous-direction de la veille sanitaire
Bureau VS 3
8, avenue de Ségur
F-75350 Paris 07 SP

4. Notification Number

98/0519/F

5. Title

Draft Decree laying down the technical specifications for
funeral parlours.

6. Products Concerned

Funeral parlours.

7. Notification Under Another Act

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8. Main Content

The present draft Decree aims to lay down the technical specifications applicable to funeral parlours. By virtue of Article L 2223-38 of the general code for local authorities, resulting from Article 21 of Law no. 93-23 of 8 January 1993, funeral parlours serve the purpose of receiving the bodies of deceased persons before burial or cremation.

Article 1 provides for the separation of, on the one hand, the areas intended for public reception, and on the other, the technical area reserved for the preparation of bodies, to which the public are not allowed access. It introduces requirements relating to the procedures for access between the rooms of the technical area and between the presentation rooms and the technical area.

So as not to impose supplementary demands on existing funeral parlours, which would mean a heavy work-load in terms of compliance to specifications, these provisions are not applicable to them.

Article 2 lays down minimal rules on propriety for the presentation rooms aimed particularly at ensuring that they are out of sight of the surrounding areas; it also includes specifications concerning sound-proofing.

Article 3 provides for the existence of refrigeration equipment in funeral parlours for the purposes of the presentation of bodies, in order to respect the hygiene regulations.

Articles 4 and 5 concern the technical area of funeral parlours. The latter shall comprise a room for the preparation of bodies and refrigeration cases as well as presentation rooms.

Article 6 provides for a transitional period for funeral parlours already in operation at the time of the publication of the present Decree; these shall comply by 30 June 2000 at the latest.

Article 7 provides for a mutual recognition clause between French and foreign standards whose equivalence will be recognised by means of an order.

Article 8 lays down a conformity visit on behalf of a control agency approved by the minister in charge of health.

Article 9 repeals the Decree of 20 December 1994 relating to the requirements applicable to funeral parlours, whose provisions are included in the present draft Decree.



9. Brief Statement of Grounds

The present Decree has been drawn up within the framework of Law no. 93-23 of 8 January 1993 on legislation in the field of undertaking which has radically altered the organisation of the external service of the undertaking profession by ending the local authority monopoly.

The management and use of funeral parlours are included in the code of practice of the external undertaking service henceforth jointly ensured by the local authorities,

businesses and authorised organisations.

The provisions of the present Decree come under the capacitation instrument provided for by Article L 2223-23 of the general code for local authorities, which demands that, in order to grant this capacitation, the State representative in the department where the local authority, business or organisation has its headquarters, will assure himself that the technical installations comply with the specifications laid down in the Decree. The implementation of this instrument reflects a desire to improve the professional code of ethics and the quality of working practices of the undertaking profession and to reinforce the guarantees made to families at a time when they are particularly vulnerable.

10. Reference Documents - Basic Texts

- Law no. 93-23 of 8 January 1993 (Articles L 2223-19 et seq. of the General Code for Local Authorities);
- Decree no. 95-21 of 9 January 1995 on the classification of land transport infrastructures;
- Decree no. 94-1118 of 20 December 1994 on the technical specifications applicable to funeral parlours;
- Decree no. 97-1048 of 6 November 1997 on the elimination of waste from health care activities involving risk of infection and similar and from anatomical subjects;
- Book II, Title III, Chapter 1, Section VI of the Employment Code.

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

The notification of the present Decree falls within the framework of the notification procedure on the requirements

applicable to funeral vehicles, which is a response to the



observations of the European Commission.

As this Decree repeals the Decree of 20 December 1994 which lays down the transitional provisions for existing funeral parlours it is important that it is published as soon as possible.

13. Confidentiality

No

14. Fiscal measures

No

C. TROJAN
COMEUR
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