



Notification Number: 1998/518/F

Draft Decree on the requirements applicable to hearses

Date received : 10/11/1998
End of Standstill : 10/02/1999 (**10/05/1999**)
Issue of comments by : Commission
Issue of detailed opinion by : Austria,Germany,Netherlands

Message

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TELEX 002

COMMUNICATION FROM THE COMMISSION - SG (98) D/52814/2



DIRECTIVE 98/34/EC
TRANSLATION OF TELEX 001
NOTIFICATION 98/0518/F

- 3B1 : 9802814.EN

1. Structured Information Line

TLX 002 IND- 98 0518 F-- EN ----- 981110 --- ---

2. Member State

France

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4. Notification Number

98/0518/F

5. Title

Draft Decree on the requirements applicable to hearses

6. Products Concerned

Hearses.

7. Notification Under Another Act

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8. The aim of the present Decree is to define, pursuant to the provisions laid down in articles L 2223-19 and L 2223-23 of the general code on territorial regions as these result from



Law no 93-23 of 8 January 1993, the technical requirements to be met by hearses.

Articles 1 and 2 state that all hearses must meet the minimum requirements in terms of decency and hygiene. Vehicles in circulation must be made to conform by 4 May 1999.

Article 3 concerns the distinctive marks affixed to the vehicles. These provisions are also applicable to vehicles participating in funeral processions, such as vehicles used to transport family members of the deceased.

Article 4 states that any person who offers for sale a hearse must take a model of the series placed on the market to a certification centre approved by the Minister responsible for Health to have conformity of the model assessed.

Provision is made for a mutual recognition clause between French and foreign standards. This equivalence shall be recognised in the form of an Order.

Article 5 of the draft Decree states that the conformity of these vehicles must be assessed at the premises of a centre designated by the préfet. This assessment shall take place every three years as well as during the six months preceding renewal of the capacitation issued by the préfet.

Article 6 lays down a transitional provision for vehicles in circulation which possess a certificate of conformity in application of the Decree of 2 May 1995.

Article 7 repeals the Decree of 2 May 1995 on requirements applicable to vehicles participating in funeral professions, the provisions of which can be found 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 funeral legislation, which has significantly changed the way in which non-state-run funeral parlours are organised by bringing an end to regional monopolies.

The transport of bodies which have been placed in coffins, as well as the provision of hearses and funeral vehicles, is part of the task of the publicly run funeral parlour service - a task which has until now been carried out jointly by the district, companies or approved associations.

The provisions of the present Decree form part of the capacitation instrument laid down in article L 2223-23 of the



general code on territorial regions, which states that, in order to grant such capacitation, the state representative in the département in which the state-run body, company or association has its head office must satisfy himself, in particular, that the vehicles conform to the requirements of the Decree. This instrument is being implemented in response to calls to improve the code of practice and conditions under which the funeral profession is run and to strengthen the

guarantees made to families under circumstances in which 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 on territorial regions);
- Decree no 95-506 of 2 May 1995;
- Article R 111 of the Road Traffic Code;
- Articles 8 and 15 of the amended Order of 5 November 1984 on the registration of vehicles

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

The present Decree is being notified following a letter of observation dated 4 July 1997 in which the European Commission urged the French Government to repeal the Decree of 2 May 1995.

The observations of the French authorities were sent to the European Commission in their note of 2 December 1997. The Commission maintained its initial position with regard to the notifiability of this text and asked the French authorities in May 1998 for urgent clarification of their position.

13. Confidentiality

No

14. Fiscal measures

No

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COMEUR
NNNN