



Notification Number: 1998/517/F

Draft decree on the requirements applicable to vehicles for the transport of bodies that have not yet been placed in coffins

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Issue of comments by : Austria, Commission
Issue of detailed opinion by : Netherlands

Message

REP PERMANENTE ROYAUME UNI
REP PERMANENTE IRLANDE
REP PERMANENTE GRECE
MINISTRY OF INDUSTRY, ENERGY & TECHNOLOGY
ATT. MR. Z.P. MAVROUKAS
HELLINIKOS ORG. TYPOPISOES
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/52813/2
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1. Structured Information Line

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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

98/0517/F

5. Title

Draft decree on the requirements applicable to vehicles for
the transport of bodies that have not yet been placed in
coffins

6. Products Concerned

Vehicles for the transport of bodies that have not yet been
placed in coffins.



7. Notification Under Another Act

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8. Main Content

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 vehicles for the transport of bodies that have not yet been placed in coffins.

These vehicles must be fitted with a corpse compartment equipped with refrigerating and heat insulation apparatus.

Articles 1 and 2 concern the specifications for the corpse compartment. They state that all vehicles intended for the transport of bodies that have not yet been placed in coffins must meet the minimum requirements in terms of decency and hygiene.

Article 3 concerns the vehicles' bodywork and the distinctive marks which may possibly be affixed thereto.

Article 4 states that any person who offers for sale a vehicle for the transport of bodies that have not yet been placed in coffins, a refrigerated lorry or a cooling system must take a model of the series placed on the market to a test 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 the renewal of the approval issued by the préfet; it shall also take place if the refrigerated lorry or apparatus of the corpse compartment is modified or replaced.

Article 6 lays down transitional provisions for vehicles in circulation which possess an approval certificate in application of the decree of 24 October 1994.

Article 7 repeals the decree of 24 October 1994 on vehicles for the transport of bodies that have not yet been placed in coffins, the provisions of which 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 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 that have not yet been placed in coffins is part of the task of the publicly run funeral parlour service - a task which until now had been carried out conjointly by the communes, companies or authorised 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);
- Article R 363-13 of the Code governing the communes;
- Decree no 94-941 of 24 October 1994;
- 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 24 October 1994.

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



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

No
C. TROJAN
COMEUR
NNNN