



Notification Number: 2003/43/F

Decree amending Article R. 233-155 of the Employment Code

Date received : 03/02/2003

End of Standstill : 05/05/2003

Message

Message 002

Communication from the Commission - SG(2003) D/50253

Directive 98/34/EC

Translation of the message 001

Notification: 2003/0043/F

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200300253.EN)

1. Structured Information Line

MSG 002 IND 2003 0043 F EN 05-05-2003 03-02-2003 F NOTIF 05-05-2003

2. Member State

France

3. Department Responsible

Délégué interministériel aux normes - SQUALPI - 64-70, Allée de Bercy - Télédocus 811 - 75574 PARIS Cédex 12

3. Originating Department

Ministère des affaires sociales, du travail et de la solidarité, Tour Mirabeau - 39/45 quai André Citroën - 75739 Paris Cedex 15

4. Notification Number

2003/0043/F - H00

5. Title

Decree amending Article R. 233-155 of the Employment Code



6. Products Concerned

Personal protective equipment for non-professional sporting and leisure activities

7. Notification Under Another Act

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8. Main Content

The draft Decree aims to allow certain used personal protective equipment (riding helmets, equipment protecting against falls from a height) used for non-professional sporting or leisure activities, to be hired and made available, which has been prohibited until now.

It must be checked that the person responsible for making this equipment available, or for hiring it, complies with all the obligations contained in the instructions laid down in implementation of the provisions transposing Council Directive 89/686/EEC of 21 December 1989 (approximation of the laws of the Member States relating to personal protective equipment) and, with regard to equipment protecting against falls from a height, performs periodic regulatory checks. The conformity declaration which he is bound to give to persons hiring this personal protective equipment must, for the purposes of traceability, indicate that the measures laid down in the instructions have been taken and, for equipment protecting against falls from a height, that the regulatory checks have been performed.

9. Brief Statement of Grounds

Within the framework of the transposal of Council Directive 89/656/EEC on the use of personal protective equipment, which lays down that an item of personal protective equipment must comply with the provisions on design and manufacture relating to health and safety at work which concern it, it was prohibited to place on the market a certain number of items of used personal protective equipment, protecting against serious or fatal risks, including in particular helmets protecting the head against mechanical blows and equipment protecting against falls from a height.

This provision, which did not take account of the intended usage of equipment (professional or non-professional) remains valid for professional use but it is unsuitable for the personal protective equipment cited in point 8, which must be able to be made available or hired, used, for beginner or occasional non-professional horse riders or climbers.

10. Reference Documents - Basic Texts

Articles L.233-5 and L.233-5-1, R.233-155 and R.233-153, R.233-77, R.233-42-2 of the Employment Code and point 1.4 of Annex II to Book II of the Employment Code, added by Article R.233-151 of the Employment Code.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No



14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT and SPS aspects:

TBT

a) No

iii) X

SPS

a) No

iii) X

David O'Sullivan
Secretary-General
European Commission

sent to :

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