



Notification Number: 2012/14/F

Order amending the Order of 14 October 2008 on the approval of breathalyser devices used by the police force and on the approval of laboratories authorised to perform tests, examinations and checks on these devices.

Date received : 10/01/2012

End of Standstill : 11/04/2012

Message

Message 002

Communication from the Commission - SG(2012) D/514

Directive 98/34/EC

Translation of the message 001

Notification: 2012/0014/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201200014.EN)

1. Structured Information Line

MSG 002 IND 2012 0014 F EN 10-01-2012 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

Ministère du travail, de l'emploi et de la santé



Direction générale de la santé
Sous-direction de la promotion de la santé et de la prévention des maladies chroniques
Bureau des pratiques addictives (MC2)
14, avenue Duquesne – 75350 PARIS 07 SP

4. Notification Number

2012/0014/F - S10S

5. Title

Order amending the Order of 14 October 2008 on the approval of breathalyser devices used by the police force and on the approval of laboratories authorised to perform tests, examinations and checks on these devices.

6. Products Concerned

Breathalyser devices

7. Notification Under Another Act

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8. Main Content

Article R. 234-2 of the French highway code provides that operations to determine alcohol consumption by breath testing, provided for, in particular, by Article L. 234-3 of the same code, shall be carried out using a device compliant with an approved type in accordance with the procedures defined by order of the Minister for Health, having heard the opinion of the Ministers for Transport, Domestic Affairs and Defence.

The current regulations provide that the NF-ETHYLOTEST brand shall be the technical standard of reference for the quality control of these devices. In this respect, chemical and electronic breathalysers shall be eligible for approval when they have undergone approval tests and examinations certifying their compliance with the requirements defined by standards NF 20702 of July 2007 and NF 20703 of October 2000. Devices compliant with a model that has been certified as compliant with the standards, technical specifications and manufacturing and quality control procedures ensuring a level of reliability equivalent to the aforementioned standards NF 20702 or 20703 shall also be eligible.

The European standard NF EN 15964 that entered into force in April 2011 has become the reference for class 1 electronic breathalysers, and henceforth shall replace standard NF X 20703.

The draft text therefore provides that the reference to standard NF X 20703 be replaced by the reference to standard NF EN 15964. Furthermore, it harmonises the terminology used regarding the accreditation of laboratories.

The reference to the NF-ETHYLOTEST brand was moreover deleted in the text of the Order of 14 October 2008. In fact, the NF-ETHYLOTEST brand is a private business brand and should not be mentioned in the order. The reference to the brand has therefore been replaced in Articles 3, 6, 9 and 11 by the corresponding requirements defined in the brand's certification documentation.

Finally, there are transitional arrangements to allow breathalysers certified in accordance with NF X 20703 to be kept on the market until the validity of their approval expires.



9. Brief Statement of Grounds

This draft order updates the regulations to take into account changes to standards in the field of breathalysers.

10. Reference Documents - Basic Texts

Reference texts: Articles L. 234-9 and R. 234-2 of the French highway code.

Order of 14 October 2008 on the approval of breathalyser devices used by the police force and on the approval of laboratories authorised to perform tests, examinations and checks on these devices.

The Order of 14 October 2008 was the object of Notification No 2008/255/F.

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

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16. TBT and SPS aspects

TBT aspects

Yes

SPS aspects

No – the draft is not a sanitary or phytosanitary measure.

Catherine Day
Secrétaire général
Commission européenne

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