

# Procedure file

| Basic information  |                     |
|--|---------------------|
| <p>COD - Ordinary legislative procedure (ex-codecision procedure) <a href="#">2000/0233(COD)</a><br/>Directive</p>   | Procedure completed |
| <p>Measuring instruments: trading transactions and use of legally controlled instruments</p> <p>Amended by <a href="#">2011/0150(COD)</a><br/>Repealed by <a href="#">2011/0353(COD)</a></p> <p>Subject<br/>2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance<br/>3.40.11 Precision engineering, optics, photography, medical<br/>4.60.06 Consumers' economic and legal interests</p> |                     |

| Key players                   |   |  |   |
|-------------------------------|---|--|---|
| European Parliament           | Committee responsible   | Rapporteur                                       | Appointed                                     |
|                               | <b>ITRE</b> Industry, External Trade, Research, Energy                                | PPE-DE <a href="#">CHICHESTER Giles</a>          | 27/03/2002                                    |
|                               | Former committee responsible  | PPE-DE <a href="#">GRÖNFELDT BERGMAN Lisbeth</a> | 12/10/2000                                    |
|                               | Former committee for opinion  | <b>JURI</b> Legal Affairs and Internal Market    | The committee decided not to give an opinion. |
| Council of the European Union | Council configuration   | Meeting  | Date  |
|                               | <a href="#">Education, Youth, Culture and Sport</a>                                   | <a href="#">2565</a>                             | 26/02/2004                                    |
|                               | <a href="#">Agriculture and Fisheries</a>   | <a href="#">2524</a>                             | 22/07/2003                                    |
|                               | <a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>       | <a href="#">2510</a>                             | 19/05/2003                                    |
|                               | <a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>       | <a href="#">2467</a>                             | 26/11/2002                                    |
| European Commission           | Commission DG<br><a href="#">Internal Market, Industry, Entrepreneurship and SMEs</a> | Commissioner                                     |   |

| Key events |   |                              |         |
|------------|---|------------------------------|---------|
| 14/09/2000 | Legislative proposal published                          | COM(2000)0566                | Summary |
| 06/10/2000 | Committee referral announced in Parliament, 1st reading |                              |         |
| 20/06/2001 | Vote in committee, 1st reading                          |                              | Summary |
| 19/06/2001 | Committee report tabled for plenary, 1st reading        | <a href="#">A5-0221/2001</a> |         |
| 03/07/2001 | Decision by Parliament, 1st reading                     | <a href="#">T5-0367/2001</a> | Summary |
|            |   |                              |         |

|            |  |   |         |
|------------|--|---|---------|
| 05/02/2002 | Modified legislative proposal published                  | <a href="#">COM(2002)0037</a>   | Summary |
| 26/11/2002 | Debate in Council  | <a href="#">2467</a>  | Summary |
| 21/07/2003 | Council position published                               | <a href="#">09681/4/2003</a>  | Summary |
| 04/09/2003 | Committee referral announced in Parliament, 2nd reading  |   |         |
| 02/12/2003 | Vote in committee, 2nd reading                           |   |         |
| 01/12/2003 | Committee recommendation tabled for plenary, 2nd reading | <a href="#">A5-0458/2003</a>  |         |
| 16/12/2003 | Debate in Parliament                                     |  |         |
| 17/12/2003 | Decision by Parliament, 2nd reading                      | <a href="#">T5-0580/2003</a>  | Summary |
| 26/02/2004 | Act approved by Council, 2nd reading                     |   |         |
| 31/03/2004 | Final act signed   |   |         |
| 31/03/2004 | End of procedure in Parliament                           |   |         |
| 30/04/2004 | Final act published in Official Journal                  |   |         |

### Technical information

|                            |   |
|----------------------------|---|
| Procedure reference        | 2000/0233(COD)  |
| Procedure type             | COD - Ordinary legislative procedure (ex-codecision procedure)                          |
| Procedure subtype          | Legislation   |
| Legislative instrument     | Directive   |
|                            | Amended by <a href="#">2011/0150(COD)</a><br>Repealed by <a href="#">2011/0353(COD)</a> |
| Legal basis                | EC Treaty (after Amsterdam) EC 095  |
| Stage reached in procedure | Procedure completed   |
| Committee dossier          | ITRE/5/14938  |

### Documentation gateway

|   |   |            |     |         |
|---|---|------------|-----|---------|
| Legislative proposal  | <a href="#">COM(2000)0566</a><br>OJ C 062 27.02.2001, p. 0001 E                 | 15/09/2000 | EC  | Summary |
| Economic and Social Committee: opinion, report                  | <a href="#">CES0226/2001</a><br><a href="#">OJ C 139 11.05.2001, p. 0004</a>    | 28/02/2001 | ESC |         |
| Committee draft report  | PE297.144   | 02/03/2001 | EP  |         |
| Amendments tabled in committee                                  | PE297.144/AM  | 12/06/2001 | EP  |         |
| Committee report tabled for plenary, 1st reading/single reading | <a href="#">A5-0221/2001</a>  | 20/06/2001 | EP  |         |
| Text adopted by Parliament, 1st reading/single reading          | <a href="#">T5-0367/2001</a><br>OJ C 065 14.03.2002, p. 0022-0034 E             | 03/07/2001 | EP  | Summary |
| Modified legislative proposal                                   | <a href="#">COM(2002)0037</a><br><a href="#">OJ C 126 28.05.2002, p. 0368 E</a> | 06/02/2002 | EC  | Summary |
| Council statement on its position                               | <a href="#">11172/2003</a>  | 07/07/2003 | CSL |         |

|  |   |            |     |         |
|--|---|------------|-----|---------|
| Council position   | <a href="#">09681/4/2003</a><br><a href="#">OJ C 252 21.10.2003, p. 0001-0088 E</a> | 22/07/2003 | CSL | Summary |
| Commission communication on Council's position             | <a href="#">SEC(2003)0939</a>   | 29/08/2003 | EC  | Summary |
| Committee draft report                                     | PE316.245   | 27/10/2003 | EP  |         |
| Amendments tabled in committee                             | PE316.245/AM  | 21/11/2003 | EP  |         |
| Committee recommendation tabled for plenary, 2nd reading   | <a href="#">A5-0458/2003</a>  | 02/12/2003 | EP  |         |
| Amendments tabled in committee                             | PE316.245/AMC   | 15/12/2003 | EP  |         |
| Text adopted by Parliament, 2nd reading                    | <a href="#">T5-0580/2003</a><br>OJ C 091 15.04.2004, p. 0134-0384 E                 | 17/12/2003 | EP  | Summary |
| Commission opinion on Parliament's position at 2nd reading | <a href="#">COM(2004)0040</a>   | 26/01/2004 | EC  | Summary |
| Follow-up document   | <a href="#">COM(2011)0357</a>   | 17/06/2011 | EC  | Summary |

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Directive 2004/22](#)  
[OJ L 135 30.04.2004, p. 0001-0080](#) Summary

## Measuring instruments: trading transactions and use of legally controlled instruments

PURPOSE : to present the measuring instruments directive. CONTENT : National legislation in respect of measuring instruments are in some cases incompatible with each other and lead to barriers to trade. Consequently, the Internal Market for measuring instruments must be established by harmonisation of the national legislations. This commenced in 1971, but the existing Community legislation is deficient in many ways. The need for replacement is a direct result of its Old Approach nature and optional character. The specific directives are product directives, containing detailed technical specifications that are too restrictive in the current situation of rapidly changing measurement technologies. Continuous updating of the specifications has proved to be impractical. The conformity assessment procedures are generally too restrictive and none of today's modern procedures are offered to the manufacturer. In particular, there is no possibility for the use of an approved and supervised Quality System as an alternative to third party verification of the final products. The optional character of the directives has led to parallel national legislations. The proposed Measuring Instruments Directive will remedy many of the shortcomings described. It is a New Approach Directive aimed at creating an Internal Market for measuring instruments that are subject to legal metrological control, by: - establishing essential requirements and conformity assessment requirements while maintaining the high level of consumer protection existing already, and - establishing mutual recognition among the Member States of the results of the conformity assessment. The essential requirements will be performance requirements, rather than design specifications. The evolution of technology will therefore not require frequent future adaptation of the Directive . The conformity assessment procedures are the modern procedures taken from the Global Approach to testing and certification. They reinforce the role and responsibility of the manufacturer in conformity assessment and have assimilated quality assurance principles. No parallel national regimes of legal control of measuring instruments may exist after the entry into force of this Directive. The legal base is Article 95 of the EC Treaty. The specific directives for the measuring instruments covered are repealed.?

## Measuring instruments: trading transactions and use of legally controlled instruments

The committee adopted the report by Lisbeth GRÖNFELDT BERGMAN (EPP-ED, S) approving the proposal subject to a number of drafting and technical amendments for the purposes of clarification. The committee also reduced the transitional period from 10 years to 5 years, arguing that this was standard practice for technical harmonisation directives. ?

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The proposal was endorsed, without debate, by the European Parliament along with the amendments proposed by the committee responsible.

## Measuring instruments: trading transactions and use of legally controlled instruments

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The European Parliament has made two kinds of modifications to its original proposal in response to the first reading by the European Parliament. The first set serve either to remove ambiguities or else to elaborate further on a specific idea in the original proposal. The second set of changes are a rewording of the text, taking into account issues raised during preliminary discussions in Council. Where necessary editing has been done to ensure consistency between this text and other applicable Community legislation. In terms of scope some of the wording has been clarified in order to specify Member States' obligations on the prescription of legal metrological instruments which need to comply with the Directive. Concerning definitions and essential requirements, the Commission has rejected those amendments which limit the Directive to a subset of measuring instruments, namely those consisting of a set of devices and sub-assemblies. The text as it stands refers to all measuring instruments. The definition of sub-assemblies as well as of authorised representatives has been expanded. At the same time essential requirements in Annex I relating to durability, reliability, suitability and protection have been clarified. Further, the Commission proposes adding a provision concerning the conformity assessment, which allows such assessments to be done according to the degree of precision declared by the manufacturer. On the question of the "Committee for Measuring Instruments", the Commission proposes introducing a regulatory area of activities for the Committee and to shift the tasks earmarked by the European Parliament from the advisory area to the regulatory area. The Commission has also sought to expand and clarify the text. For example, on the suggestion of the European Parliament the Commission has included the option of affixing the required markings at different stages. Similarly, the Commission has clarified the right of Member States to designate notified bodies for instruments in areas covered by the Directive, for which the Member State does not require legal metrological control. Concerning CE markings, it is proposed that in future "CE conformity marking" be replaced by "CE marking" since it is both clear and reduces the amount of text. Instruments sold in batches do not need to be marked separately.?

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The Council took note of a progress report from the presidency on the draft Directive of the European Parliament and the Council on measuring instruments. It requested the Permanent Representatives Committee to oversee further work on this proposal so as to enable it to reach a political agreement in the near future. There is already broad agreement on the objectives and underlying concept of the Commission's proposal, but given the large number of technical annexes, examination of the text has been a complex task. Major adjustments have been made, including some resulting from amendment proposed by the Parliament and a number of outstanding issues has been considerably reduced in recent months. Practically all of these issues concern technical details.?

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The common position has been accepted in Council by unanimity. It is fully in line with the main objective of the Commission's proposal. A unified legal framework for the internal market in measuring instruments and the necessary clarification of all the metrological requirements have to be combined with the objective of consumer protection. The notion of balancing simplifications, which follow from the "new approach" and greater responsibility of the manufacturer with necessary safeguards in the interest of the common good, has been respected and- where necessary - strengthened. The Council has taken great interest in technically sound and advanced solutions in a dynamically changing environment (especially concerning the instrument-specific annexes) as well as in the administrative applicability of the provisions. The Directive maintains the flexibility for those Member States, which do not regulate a specific type of instrument at the moment, but might choose to do so in the future. The Council has been in a position to accept the greater part of the EP amendments, at least in substance, in an effort to meet Parliament's concerns and to follow good legislative practice on a number of important points. The main elements of the political agreement are suppressing Annex II and withdrawing Annex MI-010. Annex II concerned non-mandatory testing methods, which, given that they can change quickly in the light of technical innovation, are just as well treated by means of standardisation, which simplifies the document and contributes to a simpler layout and more clarity. Annex MI-010 concerns alcohol breathalysers, the results of which are used as legal evidence. Several Member States indicated that they therefore needed testing of the instruments to be performed by national authorities, which rules out conformity assessment by notified bodies anywhere in the Community, as foreseen by the proposal. If a national court disputes the results produced by an instrument, national authorities need to adapt specifications of the instruments rapidly to conform to the national jurisprudence. These issues make harmonisation of the technical product requirements impossible. It should be noted that the Commission can agree with the suppression of Annex II and the withdrawal of the proposal in Annex MI-010. As regards amendments by Parliament that have been included in the amended proposal and in the common position, these concern the following: - the clarification of public interest objectives; - the clarification of the application of optionality, the amendment clarifies that there is an option for Member States to prescribe metrological control for types of instruments in the future. However, the wording has been modified in order to prevent any misunderstandings about the scope of Member States' obligations; - the clarification of the recital concerning the definition of the manufacturer; - the affixing of markings during manufacturing process); - the list of instrument-specific annexes: the amendment has been accepted because the instrument-specific annexes contain mandatory provisions and it is useful to list those annexes in Article 1 (together with the purely consequential change of leaving out "evidential breath analyzers"); - reasons for legal metrological control: the substance of this amendment has been inserted into the definition of "legal metrological control" in Art. 3; - object and requirements : the whole paragraph 1 has been restructured in order to make the provision legally sound. As the consequence of the treatment of amendment 7 (i.e. to introduce the text in Article 3 and not in Article 1), it has not been possible to delete the entire reference to "legal metrological control". - the definition of "sub-assembly" : the substance of the amendment has been accepted with only editorial modifications to the suggested wording; - the definition of "manufacturer" : the substance of the amendment has been taken on board, including the deletion of the term "lawfully"; - the definition of authorised representative : the amendment is a clarification; - conformity marking : while the Commission had accepted the amendment in its modified proposal, the Council went further by allowing that both types of markings described be affixed during the fabrication process. The addition "if justified" should normally preclude any misuse of this flexible provision; - the criteria for designation of bodies : the amendment is accepted, because it clarifies the retaining of the right of Member States without national legislation concerning a specific instrument to designate a notified body; - the functions of the Measuring Instruments Committee : the part of the amendment aiming at excluding the modifications of details of the specific annexes from the task of the Measuring Instruments Committee has been rejected. However, the substance of the amendment has been acknowledged by strengthening the need for consultation of interested parties

concerning the mentioned details of the specific annexes. - markings - here: Identification number : the amendment for the deletion of an additional sentence is accepted, given that the conformity assessment annexes are clear on this point and that the sentence is therefore superfluous; - confidentiality : the amendment is accepted. The approach has been followed not to refer to issues of "confidentiality" in the body of the text, because such provisions might give a false impression of the scope of the Directive and lead to different interpretations in the Member States; - transitional provisions: the Commission accepted the reduced period of validity of 5 years for existing approvals of indefinite duration, but the Council has in the light of applicability preferred to treat all in a similar way and to maintain 10 years for all existing approvals, i.e. those with 10 year validity and those with indefinite duration; - specification of a time period under the heading "durability": the substance of the amendment, has been accepted which is in line with the new approach concept of enhanced responsibility of the manufacturer; - reliability : in line with the amendment the sentence can be deleted; - suitability for the intended user : the amendment was accepted as a simplification; - unambiguous indications of results: the substance of the amendment has been accepted as serving a useful clarification objective. The Council has preferred however to use the wording "metrologically controlled indications" instead of "primary indication"; - data reading : the substance of the amendment has been accepted, but the wording changed in order to clarify that the accessibility to the customer should be guaranteed in any case. Concerning the amendments that have been included in the amended proposal but rejected in the common position, these refer to: markings on main device; serious influence; prevention of non-complying instruments being placed on the market and decisions on future regulation of instruments. Other modifications in the common position have been minor and mainly concern the reshuffling of articles in order to better reflect the current practice in the New Approach legislation, without materially changing them. This also applies to the changes in the annexes.?

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## Measuring instruments: trading transactions and use of legally controlled instruments

The Commission can agree with the suggested changes to its proposal, because the common position does not imply a fundamental shift away from the proposal adopted by the Commission.?

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## Measuring instruments: trading transactions and use of legally controlled instruments

The European Parliament adopted a resolution drafted by Giles Bryan CHICHESTER (EPP-ED, United Kingdom) some of which agreed in advance with Council on legislation relating to measuring instruments. The vote in second-reading should avoid the need for conciliation. Parliament stated that Member States should, as a general rule, prescribe legal metrological control. - new recitals state that the principle of optionality introduced by the Directive, implying that Member States may exercise their right to decide whether or not to regulate any of the instruments covered by this Directive, will be applicable only to the extent that this clause will not cause unfair competition. The conformity assessment of sub-assemblies should respect the provisions of the Directive. If sub-assemblies are traded separately and independently of an instrument, the exercise of conformity assessment should be undertaken independently of the instrument concerned; - the activity of the Measuring Instruments Committee should include proper consultations with representatives of interested parties; - a new article states Member States may prescribe the use of measuring instruments mentioned in Article 1 for measuring tasks for reasons of public interest, public health, public safety, public order, protection of the environment, levying of taxes and duties, protection of consumers and fair trading, where they consider it justified. Where Member States do not prescribe such use, they must communicate the reasons to the Commission and the other Member States; - there is a new article on technical documentation stating that the latter must render the design, manufacture and operation of the measuring instrument intelligible and enable an assessment of its conformity with the appropriate requirements of this Directive. The technical documentation must be sufficiently detailed to ensure certain matters; - a new article sets out the criteria that Member States must apply for the designation of bodies; - finally, a draft joint statement says that the Council and the European Parliament undertake to act expeditiously in accordance with their respective rules of procedure, on a proposal from the Commission, concerning a full set of coherent conformity assessment procedures (Council Decision 93/465/EEC), as indicated in the Competitiveness Council Resolution adopted on 10 November 2003. The Commission has the intention to submit the necessary proposals as foreseen in its 2004 legislative programme, after consulting the interested parties.?

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## Measuring instruments: trading transactions and use of legally controlled instruments

The European Parliament adopted 27 amendments to the common position at second reading. The Commission accepts the amendments proposed by the European Parliament as they are in line with its original proposal as well as the common position. The amendments are as follows: 1) concerning the issue of subsidiarity/optionality : amendments which clarify that the Directive allows Member States not to regulate tasks by instruments covered by the Directive, but in those cases requires Member States to communicate the reasons thereof to the Commission. Providing this information will help avoid unfair competition with instruments that are regulated. - those which clarify the underlying concept of subsidiarity already reflected in the Commission Proposal and the Common Position. Introducing an obligation of Member States to inform the Commission about measuring tasks not regulated will lead to an enhanced transparency at Community level; 2) with regard to in-use requirements: those which delete provisions which spelled out that Member States can maintain their in-use requirements for instruments covered by the Directive. The essential requirement on durability specifies, in general terms, that instruments shall maintain their metrological characteristics over time. Therefore, a recital on the use of the instruments is justified, while an article on in-use requirements is not within the remit of the Directive, which concerns first-use; 3) concerning sub-assemblies : amendments which introduce references to sub-assemblies, clarifying that they may be separately subject to conformity assessment procedures foreseen by the Directive; 4) with regard to the review of conformity assessment procedures: - amendments which introduce the need for consistent conformity assessment procedures as expressed in the Council Resolution of 10 November 2003 and invite the Commission to review consistency of conformity assessment procedures and to propose, if necessary, the appropriate measures; - those which introduce a Joint Declaration of the European Parliament, the Council and the Commission with regard to the envisaged review of conformity assessment procedures and with regard to the intention of the European Commission to submit necessary proposals in this regard. The Commission aims to ensure a speedy review of the Council Decision on conformity assessment and ensuring coherence of certification between directives has been of particular importance to the European Parliament. The Commission is dedicated to carry out the review of the new approach and will, if necessary, propose modifications to the Directive before its transposition as foreseen in its 2004 work programme. Including the respective references in the Directive underlines the importance given to this review by the Commission; 5) as regards the incorporation of Annexes II and III into the articles of the Directive: - these amendments relate to the incorporation of the text of Annex II and III of the Directive into Articles of the

Directive. 6) With regard to the Measuring Instruments Committee and to delegated tasks: - they introduce a recital emphasising that interested parties should be consulted with regard to the activities of the Measuring Instruments Committee; - this amendment deletes two of the tasks originally delegated to the Commission; - concerning the delegation of tasks to the Commission; 7) amendments with regard to presumption of conformity and OIML normative documents, these aim to : - specify in the definition of the "normative document" that OIML documents are subject to Article 13 (1) procedure in order to give presumption of conformity; - clarify that also parts of OIML normative documents can be identified and published in a list under Article 13 (1) of the Directive; - reword the original provision meant to clarify the different solutions to comply with essential requirements and in particular the concept of presumption of conformity. ?

## Measuring instruments: trading transactions and use of legally controlled instruments

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PURPOSE : to create an Internal Market for measuring instruments. LEGISLATIVE ACT : Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments. CONTENT : a number of measuring instruments have been harmonised in the seventies under optional harmonisation. Member States were allowed to maintain national regulation alongside the harmonised Community regulation based on Old Approach Directives. These directives have not been updated for technological progress. Meanwhile Member States have to different degrees expanded national technical regulations, often based, wholly or in part, on international recommendations. Such national rules fragment the Internal Market. In order to achieve full harmonisation, expand the scope of Community harmonisation and modernise conformity assessment procedures, it is therefore necessary to update Community regulation to include the application, by the manufacturer, of an approved and supervised Quality System as an alternative to third party verification of products. This Directive applies to the devices and systems with a measuring function defined in the instrument-specific annexes concerning water meters (MI-001), gas meters and volume conversion devices (MI-002), active electrical energy meters (MI-003), heat meters (MI-004), measuring systems for continuous and dynamic measurement of quantities of liquids other than water (MI-005), automatic weighing instruments (MI-006), taximeters (MI-007), material measures (MI-008), dimensional measuring instruments (MI-009) and exhaust gas analysers (MI-010). Member States may prescribe the use of measuring instruments for measuring tasks for reasons of public interest, public health, public safety, public order, protection of the environment, protection of consumers, levying of taxes and duties and fair trading, where they consider it justified. In line with the principle of subsidiarity, the proposal does not harmonise national law that imposes legal measurement. This remains the competence of the Member State and hence may differ from one to another. However, when measurement is imposed, it can only be carried out by means of an instrument conforming to the proposal. The European Parliament and the Council invite the Commission : - to report, before 30 April 2011, on the implementation of this Directive, inter alia, on the basis of reports provided by the Member States, and, where appropriate, to submit a proposal for amendments; - to evaluate whether conformity assessment procedures for industrial products are properly applied and, where appropriate, to propose amendments in order to ensure consistent certification. ENTRY INTO FORCE : 30/04/2004. TRANSPOSITION : 30/04/2006. The Directive shall apply from 30/10/2006.?

## Measuring instruments: trading transactions and use of legally controlled instruments

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This report provides an evaluation of the implementation of Directive 2004/22/EC (the Measuring Instruments Directive or MID). It is based on reports provided by Member States, and also draws on two SME surveys and a public consultation, as well as input from two external consultants provided inputs. The Measuring Instruments Directive ( ) has been in operation for 4½ years since 30 October 2006 and applies to the following instruments: (i) water meters; (ii) gas meters and volume conversion devices; (iii) active electrical energy meters; (iv) heat meters; (v) measuring systems for continuous and dynamic measurement of quantities of liquids other than water; (vi) automatic weighing instruments; (vii) taximeters; (viii) material measures; (ix) dimensional measuring instruments; (x) exhaust gas analysers.

The main findings of the evaluation are as follows:

- innovation has not been hampered and in some cases MID is considered to be positive for innovation;
- optionality has led to close to full application with Member States requiring instruments as determined by the Directive in 90 % of possible cases. Therefore consumer protection is virtually equal across the EU and the risk of unfair competition due to differences between Member States is minimal;
- the MID has helped improve the operation of the internal market with the use of a single conformity assessment certificate, which, being about 10-15% more expensive than the former national certificates, has benefited producers that are active on more than one market. Such certificates need to have a common format;
- the smooth running of the Directive has been enhanced by the 2004 Commission Statement to WELMEC (the organisation of national authorities responsible for legal metrology) on Cooperation resulting in 40 guidance documents of conceptual nature being referenced on the Commission website after final agreement with all stakeholders in the Working group on Measuring Instruments;
- with the exception of taximeters there is a full coverage by standards, being either European harmonised standards or normative documents referring to international standards on which the Measuring Instruments Committee has advised positively;
- the New Legislative Framework gives conformity assessment procedures which are very close to those in MID. A proposal to recast the MID adapting it to the New Legislative Framework will be presented soon;
- the quality of market surveillance appears as an important concern of industry and it is an area where most authorities recognise that their effort until recently has been limited;
- there appear to be inconsistencies among the notified bodies in terms of interpreting MID requirements and other guidance as well as differing levels of capacity; as well as the rather restrictive interpretation by notified bodies of the guidelines of WELMEC posing constraints to using alternative approaches to conform to the essential requirements;
- there is no evidence that the implementation of the MID has generally disadvantaged SMEs ?although in some specific sectors (weighing instruments and fuel dispensers) the lack of rules distinguishing individual components (sub-assemblies) may disadvantage some SMEs.

Repeal of Old Approach Directives: Directive 2011/17/EU repeals 8 Old Approach directives in the area of legal metrology: one directive in 2011 (ship tanks) and the other seven in 2015 respectively (water meters, weights (2x), alcohol meters (2x), tyre pressure gauges, mass of grain) respectively. The directive provides for a 10 year transition period allowing placing on the market of instruments carrying the harmonised markings based on existing certificates, i.e. until 2021 and 2026 respectively.

- Conclusions on the repealed Old Approach Directives: currently, there is no reason for the Commission to propose adding sectors

covered by the 8 repealed directives to the Measuring Instruments Directive 2004/22/EC:

- new barriers due to new national rules are not to be expected because such national rules need to be based on international standards and therefore will in effect be equivalent;
- no existing trade barriers or other overriding reasons have appeared that would justify harmonisation;
- SMEs report low barriers to trade due to multiple testing which no longer would seem to be justified under the obligations of the Mutual Recognition Regulation (EC) No 764/2008;
- there is virtually no support for harmonisation from organised industry and no mention of trade barriers;
- organised consumers do not consider these sectors of legal metrology as a priority;
- there are no significant changes in 2010 to the impact assessment underlying the Commission proposal for repeal in 2008;
- the long transition period will allow current certificates to be recognised up till 2021 for ship tanks and up till 2025 for other instruments.

Further action: the Commission services will pursue the following priorities:

- introduce the New Legislative Framework into the Measuring Instruments Directive for which a legislative proposal is expected during 2011;
- enhance information, cooperation and guidance to notified bodies and authorities with the aim of ensuring a coherent application of the Directive;
- coordinate market surveillance notably in the form of common actions in order to more efficiently apply resources which are available for market surveillance;
- aid stakeholders in establishing guidance on transition of petrol pumps which, although formally outside of Directive, is considered to be an important point by industry;

Lastly, the Commission will carry out an impact assessment of any suggestions for new proposals with stakeholders in line with smart regulation whereby full account is taken of all alternatives to regulation and where possible make any necessary changes under the terms of the Directive, i.e. by means of comitology.