

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2008/0227(COD) Procedure completed
Metrology	
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.40.11 Precision engineering, optics, photography, medical 8.50.02 Legislative simplification, coordination, codification	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	IMCO Internal Market and Consumer Protection		14/09/2009
		PPE WEISGERBER Anja	
		Shadow rapporteur	
		S&D GEBHARDT Evelyne	
		ALDE BUȘOI Cristian-Silviu	
	Former committee responsible		
	IMCO Internal Market and Consumer Protection		
	Committee for opinion	Rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
	Former committee for opinion		
	ITRE Industry, Research and Energy		
Council of the European Union	Council configuration Agriculture and Fisheries	Meeting 3070	Date 21/02/2011
European Commission	Commission DG Internal Market, Industry, Entrepreneurship and SMEs	Commissioner TAJANI Antonio	

Key events			
03/12/2008	Legislative proposal published	COM(2008)0801	Summary
15/12/2008	Committee referral announced in Parliament, 1st reading		

19/10/2009	Committee referral announced in Parliament, 1st reading		
17/03/2010	Vote in committee, 1st reading		Summary
22/03/2010	Committee report tabled for plenary, 1st reading	A7-0050/2010	
14/12/2010	Debate in Parliament		
15/12/2010	Results of vote in Parliament		
15/12/2010	Decision by Parliament, 1st reading	T7-0479/2010	Summary
21/02/2011	Act adopted by Council after Parliament's 1st reading		
09/03/2011	Final act signed		
09/03/2011	End of procedure in Parliament		
18/03/2011	Final act published in Official Journal		

Technical information

Procedure reference	2008/0227(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 114-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/00133

Documentation gateway

Legislative proposal	COM(2008)0801	03/12/2008	EC	Summary
Document attached to the procedure	SEC(2008)2909	03/12/2008	EC	
Document attached to the procedure	SEC(2008)2910	03/12/2008	EC	
Document attached to the procedure	SEC(2008)2968	03/12/2008	EC	Summary
Economic and Social Committee: opinion, report	CES0866/2009	13/05/2009	ESC	
Committee draft report	PE431.201	11/01/2010	EP	
Amendments tabled in committee	PE439.286	25/02/2010	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0050/2010	22/03/2010	EP	
Text adopted by Parliament, 1st reading/single reading	T7-0479/2010	15/12/2010	EP	Summary
Commission response to text adopted in plenary	SP(2011)1477	23/02/2011	EC	
Draft final act	00067/2010/LEX	09/03/2011	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act
Directive 2011/17 OJ L 071 18.03.2011, p. 0001 Summary

Metrology

This Commission staff working document is based on the public consultation report on the simplification of 8 old approach metrology Directives.

To recall, measuring instruments are essential to ensure accuracy of measurement, notably for transactions by consumers and industry in every day life: examples include water meters, taximeters, electricity meters and weighing machines. Eight 'old approach' directives (setting very detailed technical specifications) regulate measuring instruments used for tasks requiring legal metrological control under the framework directive 71/316/EEC in the following sectors:

- Cold Water Meters for Non-Clean Water (Directive 75/33/EEC)
- Alcohol Meters and Alcohol Tables (Directive 75/765/EEC and 75/766/EEC)
- Medium and Above-Medium Accuracy Weights (Directive 71/317/EEC and 74/148/EEC)
- Tyre Pressure Gauges for Motor Vehicles (Directive 86/217/EEC)
- Standard Mass of Grain (Directive 74/347/EEC)
- Calibration of Ship Tanks (Directive 71/349/EEC).

A public consultation on this issue started on 21 May 2008 and ended on 15 July 2008. The Commission services published a key issues document for the public consultation. Concerns have been expressed that currently these technical rules are not easily adaptable to technological progress and therefore risk hindering innovation.

Next to repeal, it gives as an option to include one or more of these sectors in the Measuring Instruments Directive (Directive 2004/22/EC). The public consultation document highlighted 10 issues, the reactions to which will subsequently be discussed in this document. Stakeholders were also invited to bring up any other issues that they consider relevant.

Information on the public consultation has been disseminated via the Your Voice in Europe site which is public and well known among professional organisations. Also there was an Enterprise e-mail alert that was distributed at the start of the consultation to 28 000 recipients as well as an e-mail alert to all those who had expressed their interest on this issue to the Commission services in the past.

This report examines the reactions that have been received. Secondly it presents the conclusions to be drawn with due regard to the Commission's priority for simplification and better regulation.

This document has been prepared by the Commission services for consultation purposes. It does not in any way prejudice, or constitute the announcement of, any position on the part of the Commission concerning the issues covered.

The report concludes that the public consultation, a consultant study for the Commission and a final check with Member States show that there are no barriers to trade in the sectors. This is notably the case for technological innovative products which are not covered by the directives. Without barriers to trade, the impact assessment concludes there is no reason to harmonise. Moreover, repeal will have no major effects given that there exist international standards. These can serve as a basis for regulation by Member States, if needed, under the acceptance of mutual recognition.

The proposal by the Commission is to repeal the 8 old approach directives.

Metrology

PURPOSE: to repeal 8 metrology Directives with a view to simplifying and improving legislation in this field.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: the proposal concerns the following 8 metrology Directives:

- Directive 75/33/EEC on Cold Water Meters for Non-Clean Water;
- Directives 76/765/EEC and 76/766/EEC on Alcohol Meters and Alcohol Tables;
- Directives 71/317/EEC and 74/148/EEC on Medium and Above-Medium Accuracy Weights respectively;
- Directive 86/217/EEC on Tyre Pressure Gauges for Motor Vehicles;
- Directive 71/347/EEC on Standard Mass of Grain;
- Directive 71/349/EEC on Calibration of Ship Tanks.

From the public consultation and an external study, it appears that there are no obstacles to trade in the 6 sectors covered by the 8 old approach Directives. It is also apparent that the Directives concern instruments increasingly less in use. Technical progress and innovation with regard to measuring instruments covered by the Directives being repealed is ensured in practice either by the voluntary application of the

international and European standards which have been developed or by the application of national provisions implementing such new specifications. Furthermore, the free circulation within the internal market of all products concerned by them is ensured by the satisfactory application of Articles 28 to 30 of the EC Treaty and of the mutual recognition principle.

The repeal of the Directives should not lead to any new barriers to the free movement or to additional administrative burdens. Furthermore, while respecting the principles of proportionality and subsidiarity, there is no evidence of a common need for a higher level of consumer protection.

The repeal of the Directives should not affect existing EEC pattern approvals and EEC certificates until the end of their validity.

Metrology

The Committee on the Internal Market and Consumer Protection adopted the report by Anja WEISGERBER (EPP, DE) on the proposal for a directive of the European Parliament and of the Council repealing Council Directives 71//317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC, and 86/217/EEC regarding metrology.

It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission proposal as follows:

- to avoid any legal uncertainty, Members consider it necessary to provide the possibility of including provisions referring to the measuring instruments covered by the Directives being repealed in the general Measurements Instruments Directive (2004/22/EC);

- Members consider that Member States should be given more time to investigate whether repealing the Directives will lead to legal uncertainty which makes European harmonisation of rules necessary. Therefore only Directive 71/349/EEC will be repealed with effect from 1 January 2011. The other seven Directives (Directives 71/317/EEC, 71/347/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC) will be repealed with effect from 1 May 2014, but only after analysing the possible consequences in context with the broader review of the basic legal instrument in this field, the "Measurement Instruments Directive" (2004/22/EC);

- by 30 April 2011, the Commission shall, on the basis of reports provided by the Member States, evaluate whether the measuring instruments falling within the scope of the repealed directives need to be included in the scope of Directive 2004/22/EC. The Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal to that effect;

- lastly, an amendment stipulates that EEC pattern approvals and EEC certificates issued until 31 December 2010 under Directive 71/349/EEC shall remain valid. EEC pattern approvals and EEC certificates issued until 30 April 2014 under the Directives 71//317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC, and 86/217/EEC shall remain valid.

Metrology

The European Parliament adopted by 656 votes to 0, with 2 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council repealing Council Directives 71//317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC, and 86/217/EEC regarding metrology.

It adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the Commission proposal as follows:

- as regards the metrological measuring instruments covered by the repealed Directives, the amended text stipulates that technical progress and innovation with regard to measuring instruments covered by the Directives being repealed will be ensured in practice either by: (i) the voluntary application of the international and European standards which have been developed; (ii) or by the application of national provisions laying down technical specifications based on such standards or, in line with the principles of better law-making, by including additional provisions in Directive 2004/22/EC on measuring instruments;
- only Directive 71/349/EEC on the approximation of the laws of the Member States relating to the calibration of the tanks of vessels is repealed with effect from 1 July 2011. The seven other Directives (Directives 71/317/EEC, 71/347/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC) shall repealed with effect from 1 December 2015, only after an assessment as to whether the measuring instruments falling within the scope of those Directives should be included within the scope of Directive 2004/22/EC. The Commission should carry out such an assessment in parallel with its report on the implementation of Directive 2004/22/EC in accordance with Article 25 thereof. In the context of that assessment, the date set for the repeal of those Directives could be brought forward, with a view to ensuring consistency in the legislative action of the Union in the field of measuring instruments;
- by 30 April 2011, the Commission shall, on the basis of reports provided by the Member States, evaluate whether the measuring instruments falling within the scope of the repealed Directives need to be included in the scope of Directive 2004/22/EC. It shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal to that effect;
- lastly, an amendment stipulates that EC initial verifications and calibration certificates issued until 30 June 2011 under Directive 71/349/EEC shall remain valid. Moreover, EC pattern approvals and EC pattern approval certificates issued until 30 November 2015 under the Directives 71/347/EEC, 75/33/EEC, 76/765/EEC and 86/217/EEC shall remain valid. Weights in conformity with Directive 71/317/EEC and weights in conformity with Directive 74/148/EEC may be subject to EC initial verification in accordance with Directive 2009/34/EC of relating to common provisions for both measuring instruments and methods of metrological control until 30 November 2025.

Metrology

PURPOSE: to repeal eight metrology Directives with a view to simplifying and improving legislation in this field.

LEGISLATIVE ACT: Directive 2011/17/EU of the European Parliament and of the Council repealing Council Directives 71/317/EEC,

71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC regarding metrology.

CONTENT: following agreement in first reading with the European Parliament, the Council repealed eight directives relating to metrology.

The following directives are technically outdated, do not reflect the state of the art in measurement technology or concern instruments which are not subject to technological development and which are increasingly less in use, and are repealed

- with effect from 1 July 2011, Directive 71/349/EEC relating to the calibration of the tanks of vessels;
- with effect from 1 December 2015, Directives 71/347/EEC relating to the measuring of the standard mass per storage volume of grain, 75/33/EEC on cold-water meters, 76/765/EEC relating to alcoholometers and alcohol hydrometers, 76/766/EEC relating to alcohol tables, 86/217/EEC relating to tyre pressure gauges for motor vehicles, 71/317/EEC and 74/148/EEC on weights and measures.

By 30 April 2011, the Commission shall, on the basis of reports provided by the Member States, evaluate whether the measuring instruments falling within the scope of the repealed directives need to be included in the scope of Directive 2004/22/EC and whether the transitional measures and date set for repeal of those Directives need to be adjusted accordingly. The Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal to that effect.

ENTRY INTO FORCE: 07/04/2011.