

III

(Preparatory acts)

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

453RD PLENARY SESSION HELD ON 13 AND 14 MAY 2009

Opinion of the European Economic and Social Committee 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'

COM(2008) 801 final — 2008/0227 (COD)

(2009/C 277/09)

Rapporteur: **Mr SALVATORE**

On 19 December 2008 the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, 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

COM(2008) 801 final – 2008/0227 (COD).

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 24 April 2009. The rapporteur was Mr SALVATORE.

At its 453rd plenary session, held on 13-14 May 2009 (meeting of 14 May), the European Economic and Social Committee unanimously adopted the following opinion.

1. Conclusions and recommendations

1.1. The EESC endorses the Commission's proposal to repeal 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 concerning the metrology sector and the grounds it gives for doing so. These directives can now be deemed obsolete and no longer effective for pursuing the goal for which they were intended – harmonisation of national legislation on the various types of measuring instruments.

1.2. The EESC takes note of the outcome of the public consultation and the external study carried out by the Commission, namely:

- a) there are no barriers to trade in the sectors covered by the eight directives;
- b) in practice the directives are increasingly rarely used as they concern instruments which are now obsolete;

- c) technological advance is taken into account by international standards and national legislation based on the principle of mutual recognition.

1.3. Given that the national rules in the sector are able to ensure the absence of barriers to trade irrespective of whether the directives in question are applied, the EESC calls on Member States not to make changes to their current rules once the directives have been repealed.

2. Introduction

2.1. Streamlining the existing stock of legislation is a priority for the EU, as can be seen from the Better regulation programme, which is anchored in the Lisbon Strategy for growth and jobs. It is intended to make Community and national legislation less burdensome, easier to implement and therefore more effective for achieving the relevant objectives.

2.2. The general aim is to facilitate the achievement of a European regulatory framework which meets the most stringent legislative criteria while respecting the subsidiarity and proportionality principles.

2.3. Under these principles, revising the Community acquis takes the form of an ongoing, systematic process whereby the lawmaking institutions can review the legislation taking all stakeholders into consideration.

2.4. The Commission decides to repeal legal instruments – as a means of streamlining – in all cases where they have been rendered irrelevant or obsolete by technical or technological advances, changes in EU policy, changes in the way the provisions of the Treaties are applied or the adoption of international standards.

3. Background

3.1. The legislative framework consisting of 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 concerning the metrology sector was established in the 1970s to remove barriers to the free movement of goods in the internal market arising from differences in national legislation in the sector.

3.2. The Commission stresses that the legislative framework consisting of the eight EEC metrology directives is in practice outdated as, over time, national legislation in the sector has evolved to keep pace with technological advances and standards laid down by international rules⁽¹⁾. The addition of mutual recognition clauses has ensured that measuring instruments with a similar level of performance have been accepted as well despite the fact that they were designed on the basis of another Member State's legislation.

3.3. On the basis of a public consultation and an external study the Commission notes that there are currently no barriers to trade

in the sectors covered by the directives. Moreover, the directives concern instruments which are increasingly rarely used.

3.4. The Commission's proposal to repeal the eight directives is based on the need to reconcile two different objectives: reducing the quantity of European legislation whilst fully preserving the internal market.

4. Comments

4.1. In terms of its stated aims of reducing the quantity of European legislation while, at the same time, fully preserving the internal market, the Commission proposal is valid. In the sector covered by the directives in question, national rules based on standards defined by relevant international rules and on the principle of mutual recognition keep pace with progress in technology. They have the same effect as a legislative harmonisation framework such as that provided by the eight directives it is planned to repeal.

4.2. Repealing the eight directives on the metrology sector is in line with the EU strategy of streamlining the Community acquis by repealing legislative instruments which have become irrelevant and, therefore, obsolete because of their lack of impact.

4.3. Once the directives have been repealed, in order to ensure the effectiveness of a system based on voluntary standardisation, the EESC feels that it would be judicious to introduce periodic controls on national legislative systems relating to both new and old technologies.

4.4. The EESC acknowledges and appreciates the Commission's considerable efforts to involve all stakeholders in the sector concerned by its proposal. These endeavours include the broad external consultation carried out between May and July 2008 to record the reactions of measuring-instrument producers, buyers, consumers and authorities.

Brussels, 14 May 2009.

*The President
of the European Economic and Social Committee*
Mario SEPI

⁽¹⁾ Model regulations and international recommendations giving Member States a basis agreed upon at international level on which to establish their respective national laws include, in particular, those drawn up by the OIML (International Organisation of Legal Metrology). Established in 1955 on the basis of a Convention with the aim of promoting the global harmonisation of legal metrology procedures, this intergovernmental organisation has developed a worldwide technical structure that provides its members with metrological guidelines for the definition of national and regional requirements concerning the manufacture and use of measuring instruments for legal metrology applications.