

Opinion of the Economic and Social Committee on the 'Proposal for a Directive of the European Parliament and of the Council on measuring instruments'

(2001/C 139/02)

On 9 October 2000 the Council decided to consult the Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the above-mentioned proposal.

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 7 February 2001. The rapporteur was Mr Donovan.

At its 379th plenary session (meeting of 28 February 2001) the Economic and Social Committee adopted the following opinion by 112 votes to one.

1. Introduction

1.1. The Commission's proposal sets out a new structure for the harmonisation of the laws of the Member States concerning certain kinds of measuring instruments.

1.2. Community legislation for measuring instruments already exists but is outdated due to technological progress. It is also cumbersome to update in its present legislative structure, commonly known as the 'old approach' (Framework directive 71/316/EEC⁽¹⁾). The new proposal is based on the principles of the New Approach to Technical Harmonisation and Standards⁽²⁾ and the Global Approach to Certification and Testing⁽³⁾. The proposed regime leads to the affixing of the CE and the supplementary metrology⁽⁴⁾ marking to conforming instruments.

1.3. The range of instruments covered includes most metering instruments for utilities such as water, heat, gas and electricity as well as fuel dispensers, weighing and length measuring instruments, drinking containers and taximeters. This will lead to the repeal of the vast bulk of existing instrument Directives (11 Directives and their amendments) dating from the 1970's. A number of new instruments not previously covered by Community legislation are also included, reflecting the growing demand in the Member States for instrument regulation, e.g. exhaust gas analysers and evidential breath analysers.

2. General comments

2.1. The Committee approves the Commission's proposal which aims to (a) underpin the high level of protection for consumers already established in the laws of the Member States, and (b) create free movement for measuring instruments subject to legal controls.

2.2. The confidence of consumers, users, traders and State services affected by the results of measurement must be upheld by a credible and rigorous Community regime that demonstrates that the highest level of protection is met. The Committee notes that this proposal, along with the Directive on Units of Measurement Directive 80/181/EEC⁽⁵⁾ as last amended in 1999⁽⁶⁾, supports such confidence.

2.3. The Committee notes that the impact of the proposal on consumers is unlikely to be detectable in so far as all the types of instrument are already subject to legislation in one or more of the Member States.

2.4. The Committee notes, however, that the reform of the conformity assessment procedures will impact on users and manufacturers. It can be expected that costs incurred by manufacturers for multiple conformity assessments, the vast majority of them based on third party testing, be reduced.

2.4.1. The Committee welcomes the widening of the choice of conformity assessment procedures as this should further reduce the delay time between design and production to marketing of instruments. Users should also benefit from a wider range and availability of controlled instruments due to the single market route.

2.5. The Committee also welcomes the comments from manufacturers on the positive aspect of the separation of essential requirements (to be given in legislation) from performance and technical specifications (to be given in standards or normative documents) leading to innovation in technologies.

2.6. The Committee emphasises the importance of ensuring that the instrument-specific annexes are not so overly detailed as to inhibit technical innovation.

(1) 71/316/EEC of 26.7.1971, OJ L 202, 6.9.1971, p. 1.

(2) Council Resolution of 7.5.1985.

(3) Council Decision 93/465/EEC of 22.7.1993, OJ L 220, 30.8.1993, p. 23.

(4) Conformity with metrology [Article 13(2)].

(5) 80/181/EEC of 20.12.1979, OJ L 039, 15.2.1980, p. 40.

(6) Directive 1999/103/EC of 24.1.2000, OJ L 034, 9.2.2000, p. 17; ESC Opinion OJ C 169, 16.6.1999.

3. Specific comments

3.1. The Committee is pleased to note that the proposal is of total character, in that no other legislative regime may apply, while at the same time allowing Member States to decide whether the control of a specific instrument is relevant for their territory.

3.2. The Committee wishes to draw the attention of the Commission to the need of working closely with the Central and Eastern European countries in order that they be up to speed and ready to take on the responsibility of this proposal in due time.

3.3. The Committee is supportive of the co-operation of the Member States in fora such as the OIML⁽¹⁾ (International

(1) The OIML is an intergovernmental organisation founded in 1955 whose objective is the harmonisation of regulations applied by its members. All Member States of the European Union, EFTA and most of the Central and Eastern European countries are either full or corresponding members of OIML.

Organisation of Legal Metrology) and Welmec⁽²⁾ (European Co-operation in Legal Metrology) in the area of legal metrology.

4. Conclusion

4.1. The Committee approves the Commission's proposal, which it considers to be very timely and necessary in so far as it provides for a high level of protection of measurement results in the Community.

4.2. The Committee requests that the Commission keeps it informed of the progress of the implementation of this Directive.

(2) Welmec is the co-operation of legal metrology authorities of the Union and EFTA countries with associate members from the Central and Eastern European countries.

Brussels, 28 February 2001.

The President
of the Economic and Social Committee
Göke FRERICHS
