Non-automatic weighing instruments: making available on the market. Recast. 'Goods package'

2011/0352(COD) - 25/07/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Zuzana ROITHOVÁ (EPP, CZ) on the proposal for a directive of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to making available on the market of non-automatic weighing instruments (recast).

The committee recommends that the European Parliament's position adopted at first reading, under the ordinary legislative procedure, should amend the Commission proposal as follows:

Further align the Directive with the new legislative framework and ensure legal certainty: Members consider it important to bring a number of changes to the proposed Directive in order to reach a higher level of consistency with the terms used by the Decision No 768/2008/EC and eliminate the possible inconsistencies in the text which could otherwise create legal uncertainty.

They also consider it important to **clarify the legal situation for products which have been legally placed on the market in compliance with the current Directive** before the new Directive applies, but which are still in stock. They propose that economic operators should be able to sell stocks of non-automatic weighing instruments that are already in the distribution chain on the date of application of national measures transposing this Directive.

Obligations imposed on economic operators: an amendment stipulates that manufacturers shall indicate, on the instrument (or on the label if this is not possible), their name, registered trade name or registered trade mark the postal, or, if available, the website address at which they can be contacted. The contact details shall be in a **language easily understood** by end-users and market surveillance authorities. With a view to **consumer protection**, Members state that such instructions and safety information as well as any labelling shall be clear, understandable and intelligible. Moreover, they consider that all obligations imposed on economic operators by this Directive should also apply in the case of **distance selling**.

EU declaration of conformity: upon request of the market surveillance authority, the economic operator shall provide a copy of the EU declaration of conformity in **paper form or by electronic means** and shall ensure that it is **translated** into the language or languages required by the Member State in which market the non-automatic weighing instruments is placed or made available.

To cut red tape, Members state that when issuing a single EU declaration of conformity could cause specific problems due to the complexity or scope of that single EU declaration, it should be possible to replace that single EU declaration by individual EU declarations of conformity.

Restrictive measures in the case of non-compliance: appropriate restrictive measures should be taken, such as **withdrawal of the instrument from their market**, without delay.

Improve market surveillance: Members propose that the Member States: (i) provide, on an annual basis, the Commission with details of the activities of their market surveillance authorities; (ii) provide adequate funding to their market surveillance authorities in order to ensure that their activities are coherent and effective across the Union.

Improper marking and penalties: Members call on the Member States to build upon existing mechanisms to ensure correct application of the regime governing the **CE marking** and to take appropriate action in the event of improper use of the marking. Rules on penalties applicable to infringements by economic operators may include **criminal penalties** for serious infringements. The penalties shall be effective, proportionate to the seriousness of the offence.

Transparency: the Commission should have the obligation to **publish on the Internet** the national provisions of transposed Directive and relevant sanctions.