

Measuring instruments: trading transactions and use of legally controlled instruments

2000/0233(COD) - 06/02/2002 - Modified legislative proposal

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.