

Measuring instruments: trading transactions and use of legally controlled instruments

2000/0233(COD) - 26/01/2004 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted 27 amendments to the common position at second reading. The Commission accepts the amendments proposed by the European Parliament as they are in line with its original proposal as well as the common position. The amendments are as follows: 1) concerning the issue of subsidiarity/optionality : amendments which clarify that the Directive allows Member States not to regulate tasks by instruments covered by the Directive, but in those cases requires Member States to communicate the reasons thereof to the Commission. Providing this information will help avoid unfair competition with instruments that are regulated. - those which clarify the underlying concept of subsidiarity already reflected in the Commission Proposal and the Common Position. Introducing an obligation of Member States to inform the Commission about measuring tasks not regulated will lead to an enhanced transparency at Community level; 2) with regard to in-use requirements: those which delete provisions which spelled out that Member States can maintain their in-use requirements for instruments covered by the Directive. The essential requirement on durability specifies, in general terms, that instruments shall maintain their metrological characteristics over time. Therefore, a recital on the use of the instruments is justified, while an article on in-use requirements is not within the remit of the Directive, which concerns first-use; 3) concerning sub-assemblies : amendments which introduce references to sub-assemblies, clarifying that they may be separately subject to conformity assessment procedures foreseen by the Directive; 4) with regard to the review of conformity assessment procedures: - amendments which introduce the need for consistent conformity assessment procedures as expressed in the Council Resolution of 10 November 2003 and invite the Commission to review consistency of conformity assessment procedures and to propose, if necessary, the appropriate measures; - those which introduce a Joint Declaration of the European Parliament, the Council and the Commission with regard to the envisaged review of conformity assessment procedures and with regard to the intention of the European Commission to submit necessary proposals in this regard. The Commission aims to ensure a speedy review of the Council Decision on conformity assessment and ensuring coherence of certification between directives has been of particular importance to the European Parliament. The Commission is dedicated to carry out the review of the new approach and will, if necessary, propose modifications to the Directive before its transposition as foreseen in its 2004 work programme. Including the respective references in the Directive underlines the importance given to this review by the Commission; 5) as regards the incorporation of Annexes II and III into the articles of the Directive: - these amendments relate to the incorporation of the text of Annex II and III of the Directive into Articles of the Directive. 6) With regard to the Measuring Instruments Committee and to delegated tasks: - they introduce a recital emphasising that interested parties should be consulted with regard to the activities of the Measuring Instruments Committee; - this amendment deletes two of the tasks originally delegated to the Commission; - concerning the delegation of tasks to the Commission; 7) amendments with regard to presumption of conformity and OIML normative documents, these aim to : - specify in the definition of the "normative document" that OIML documents are subject to Article 13 (1) procedure in order to give presumption of conformity; - clarify that also parts of OIML normative documents can be identified and published in a list under Article 13 (1) of the Directive; - reword the original provision meant to clarify the different solutions to comply with essential requirements and in particular the concept of presumption of conformity.