

# Measuring instruments: trading transactions and use of legally controlled instruments

2000/0233(COD) - 17/12/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Giles Bryan CHICHESTER (EPP-ED, United Kingdom) some of which agreed in advance with Council on legislation relating to measuring instruments. The vote in second-reading should avoid the need for conciliation. Parliament stated that Member States should, as a general rule, prescribe legal metrological control. - new recitals state that the principle of optionality introduced by the Directive, implying that Member States may exercise their right to decide whether or not to regulate any of the instruments covered by this Directive, will be applicable only to the extent that this clause will not cause unfair competition. The conformity assessment of sub-assemblies should respect the provisions of the Directive. If sub-assemblies are traded separately and independently of an instrument, the exercise of conformity assessment should be undertaken independently of the instrument concerned; - the activity of the Measuring Instruments Committee should include proper consultations with representatives of interested parties; - a new article states Member States may prescribe the use of measuring instruments mentioned in Article 1 for measuring tasks for reasons of public interest, public health, public safety, public order, protection of the environment, levying of taxes and duties, protection of consumers and fair trading, where they consider it justified. Where Member States do not prescribe such use, they must communicate the reasons to the Commission and the other Member States; - there is a new article on technical documentation stating that the latter must render the design, manufacture and operation of the measuring instrument intelligible and enable an assessment of its conformity with the appropriate requirements of this Directive. The technical documentation must be sufficiently detailed to ensure certain matters; - a new article sets out the criteria that Member States must apply for the designation of bodies; - finally, a draft joint statement says that the Council and the European Parliament undertake to act expeditiously in accordance with their respective rules of procedure, on a proposal from the Commission, concerning a full set of coherent conformity assessment procedures (Council Decision 93/465/EEC), as indicated in the Competitiveness Council Resolution adopted on 10 November 2003. The Commission has the intention to submit the necessary proposals as foreseen in its 2004 legislative programme, after consulting the interested parties.