



**CONSIGLIO
DELL'UNIONE EUROPEA**

**Bruxelles, 20 dicembre 2010 (11.01)
(OR. en)**

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2008/0227 (COD)**

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NOTA

del:	Segretariato generale
al:	Comitato dei Rappresentanti permanenti/Consiglio
Oggetto:	Proposta di direttiva del Parlamento europeo e del Consiglio che abroga le direttive 71/317/CEE, 71/347/CEE, 71/349/CEE, 74/148/CEE, 75/33/CEE, 76/765/CEE, 76/766/CEE, e 86/217/CEE del Consiglio relative alla metrologia - Risultati della prima lettura del Parlamento europeo (Strasburgo, 13-16 dicembre 2010)

I. INTRODUZIONE

La commissione per il mercato interno e la protezione dei consumatori ha presentato nove emendamenti alla proposta della Commissione.

Conformemente alle disposizioni dell'articolo 294 del TFUE e alla dichiarazione comune sulle modalità pratiche della procedura di codecisione¹, hanno avuto luogo vari contatti informali tra il Consiglio, il Parlamento europeo e la Commissione al fine di raggiungere un accordo in prima lettura sul fascicolo in questione, evitando in tal modo di dover ricorrere a una seconda lettura e alla procedura di conciliazione.

¹ GU C 145 del 30.6.2007, pag. 5.

In questo contesto, i gruppi politici PPE, S&D, ALDE, Verts/ALE, ECR, GUE/NGL e EFD hanno presentato un emendamento di compromesso alla proposta di direttiva. Detto emendamento di compromesso era stato concordato durante i contatti informali di cui sopra.

II. DISCUSSIONE

Il relatore, Anja Weisgerber (PPE - DE) ha aperto il dibattito, che si è svolto il 14 dicembre 2010:

- accogliendo con favore la prospettiva di un accordo in prima lettura;
- dichiarando che la proposta avrebbe contribuito a ridurre la burocrazia senza compromettere la protezione dei consumatori né il mercato unico;
- ricordando le discussioni interistituzionali sulla questione delle tavole di concordanza.

Il commissario TAJANI ha accolto con favore la prospettiva di un accordo in prima lettura.

Intervenendo a nome del gruppo politico PPE, Lara COMI (PPE - IT) ha evidenziato la necessità di dare agli Stati membri il tempo sufficiente per controllare che dall'abrogazione delle direttive in questione non derivino vuoti legislativi.

A nome del gruppo politico S&D, Evelyne GEBHARDT (S&D - DE):

- ha accolto con favore l'abrogazione di alcuni strumenti obsoleti, ma ha dichiarato che il suo gruppo politico ha potuto sostenere il pacchetto di compromesso solo alla luce dell'assicurazione della Commissione di condurre una revisione in modo che tali strumenti, laddove necessario, possano essere inseriti nella direttiva 'MID';
- ha sottolineato la necessità delle tavole di concordanza.

Intervenendo a nome del gruppo politico ALDE, Cristian BUȘOI (ALDE - RO):

- ha evidenziato la necessità di garantire che la direttiva proposta non crei distorsioni del mercato unico né vuoti legislativi;
- ha rilevato l'accordo trasversale raggiunto sulle tavole di concordanza.

Parlando a nome del gruppo politico Verts/ALE, Heide RÜHLE (Verts/ALE - DE) ha messo in evidenza la necessità delle tavole di concordanza.

A nome del gruppo politico ECR, Edvard KOŽUŠNÍK (ECR - CZ) ha dichiarato di favorire un sistema facoltativo.

Parlando a nome del gruppo politico EFD, Oreste ROSSI (EFD - IT) si è rammaricato del fatto che la Commissione non abbia ancora adottato una proposta sui sistemi di misurazione.

Zuzana ROITHOVÁ (PPE - CZ):

- ha sostenuto che, a seguito dei presenti sviluppi tecnologici, non sussiste necessità di armonizzazione;
- ha suggerito che, se il principio di riconoscimento reciproco è sufficiente per evitare l'incertezza del diritto, questo potrebbe stabilire un precedente interessante per altri settori.

Secondo Malcolm HARBOUR (ECR - UK) la quantità di tempo utilizzata per raggiungere un accordo su questa proposta apparentemente semplice dimostra quanto in realtà la deregolamentazione sia difficile nella pratica.

Il commissario TAJANI ha preso di nuovo la parola e ha ribadito l'intenzione della Commissione di adottare una nuova proposta legislativa entro la fine di aprile 2011, come affermato nella dichiarazione congiunta.

Prendendo di nuovo la parola, il relatore:

- ha messo in risalto la necessità di evitare un vuoto legislativo;
- ha ricordato l'obiettivo generale di ridurre gli oneri burocratici del 25% entro il 2012;
- ha esortato gli Stati membri a produrre tavole di concordanza.

III. VOTAZIONE

Nella votazione che ha avuto luogo il 15 dicembre 2010, la plenaria ha adottato l'emendamento di compromesso. Non sono stati adottati altri emendamenti. L'emendamento adottato corrisponde a quanto convenuto tra le tre istituzioni e dovrebbe quindi essere accettabile per il Consiglio. Di conseguenza, previo esame del testo da parte dei giuristi-linguisti ¹, il Consiglio dovrebbe essere in grado di adottare l'atto legislativo.

La risoluzione legislativa del Parlamento non riporta l'emendamento adottato, bensì contiene il testo della posizione in prima lettura del Parlamento, che è il testo della proposta della Commissione quale modificato dall'emendamento.

Il testo della risoluzione legislativa del Parlamento europeo figura nell'allegato della presente nota.

¹ Le delegazioni che avessero osservazioni di carattere giuridico-linguistico possono comunicarle alla segreteria di coordinamento della direzione "Qualità della legislazione" (secretariat.jl-codecision@consilium.europa.eu) entro il 14 gennaio 2011.

Repeal of directives regarding metrology *I**

European Parliament legislative resolution of 15 December 2010 on the proposal for a directive of the European Parliament and of the Council repealing Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC, and 86/217/EEC regarding metrology (COM(2008)0801 – C6-0467/2008 – 2008/0227(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2008)0801),
- having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0467/2008),
- having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
- having regard to Article 294(3) and Article 114 of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 14 May 2009¹,
- having regard to the undertaking given by the Council representative by letter of 10 November 2010 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rule 55 of its Rules of Procedure,
- having regard to the report of the Committee on the Internal Market and Consumer Protection (A7-0050/2010),

1. Adopts its position at first reading hereinafter set out;
2. Approves the joint statement of the Parliament, the Council and the Commission annexed to this resolution;
3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
4. Instructs its President to forward its position to the Council, the Commission and the national

¹ OJ C 277, 17.11.2009, p. 49.

parliaments.

Position of the European Parliament adopted at first reading on 15 December 2010 with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council repealing Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC, and 86/217/EEC regarding metrology

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure²,

Whereas:

- (1) *Union* policies on better regulation stress the importance of simplification of national and *Union* legislation as a crucial element in improving the competitiveness of enterprises and achieving the objectives of the Lisbon Agenda.
- (2) A number of measuring instruments are covered by specific Directives adopted on the basis of Council Directive 71/316/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to common provisions for both measuring instruments and methods of metrological control³.
- (3) Council Directives 71/317/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to 5 to 50 kilogramme medium accuracy rectangular bar weights and 1 to 10 kilogramme medium accuracy cylindrical weights⁴, 71/347/EEC of 12 October 1971 on the approximation of the laws of the Member States relating to the measuring of the standard mass per storage volume of grain⁵, 71/349/EEC of 12 October 1971 on the approximation of the laws of the Member States relating to the calibration of the tanks of vessels⁶, 74/148/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to weights of from 1 mg to 50 kg of above-medium accuracy⁷, 75/33/EEC of 17 December 1974 on the approximation of the laws of the Member States relating to cold-

¹ OJ C 277, 17.11.2009, p. 49.

² Position of the European Parliament of 15 December 2010.

³ OJ L 202, 6.9.1971, p. 1.

⁴ OJ L 202, 6.9.1971, p. 14.

⁵ OJ L 239, 25.10.1971, p. 1.

⁶ OJ L 239, 25.10.1971, p. 15.

⁷ OJ L 84, 28.3.1974, p. 3.

water meters¹, 76/765/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to alcoholometers and alcohol hydrometers², 86/217/EEC of 26 May 1986 on the approximation of the laws of the Member States relating to tyre pressure gauges for motor vehicles³, adopted on the basis of Council Directive 71/316/EEC, are either technically outdated, do not reflect the state of the art in measurement technology or concern instruments which are not subject to technological development and which are increasingly less in use. Furthermore, national provisions are allowed to exist alongside **Union** provisions.

- (4) While Council Directive 76/766/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to alcohol tables⁴ provides for a total harmonisation, most of its content is included in the **Union** regulations on alcohol measurement of wines and spirit drinks, namely Commission Regulation (EEC) No 2676/90 of 17 September 1990 determining Community methods for the analysis of wines⁵ and Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirit drinks⁶. The international standards for alcohol tables are identical to those provided for in Directive 76/766/EEC and they can continue to be the basis for national regulation.
- (5) Technical progress and innovation with regard to measuring instruments covered by the Directives being repealed **will be** ensured in practice either by the voluntary application of the international and European standards which have been developed or by the application of national provisions laying down technical specifications based on such standards **or, in line with the principles of better law-making, by including additional provisions in Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments**⁷. Furthermore, the free movement within the internal market of all products concerned by the Directives being repealed is ensured by the satisfactory application of **Articles 34 to 36** of the **Treaty on the Functioning of the European Union** and of the mutual recognition principle.
- (6) **Nevertheless, with a view to the forthcoming review of Directive 2004/22/EC, it is appropriate to set the date of repeal for seven of the Directives sufficiently far in advance to enable the European Parliament and the Council to take a different view in the context of any revision of Directive 2004/22/EC.**
- (7) **Directive 71/349/EEC should be repealed.**
- (8) **While Directives 71/317/EEC, 71/347/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC should also be repealed as soon as possible, they should be repealed only after an assessment as to whether the measuring instruments falling within the scope of those Directives should be included within the scope of Directive 2004/22/EC. The Commission should carry out such an assessment in parallel with its report on the implementation of Directive 2004/22/EC in accordance with Article 25 thereof. In the**

¹ OJ L 14, 20.1.1975, p. 1.

² OJ L 262, 27.9.1976, p. 143.

³ OJ L 152, 6.6.1986, p. 48.

⁴ OJ L 262, 27.9.1976, p. 149.

⁵ OJ L 272, 3.10.1990, p. 1.

⁶ OJ L 333, 29.12.2000, p. 20.

⁷ OJ L 135, 30.4.2004, p. 1.

context of that assessment, the date set for the repeal of those Directives could be brought forward, with a view to ensuring consistency in the legislative action of the Union in the field of measuring instruments. In any event, repeal of those Directives should take effect not later than 1 December 2015.

- (9) *The repeal of the Directives should not lead to any new barriers to the free movement of goods or to additional administrative burdens.*
- (10) The repeal of the Directives should not affect existing EC pattern approvals and EC pattern approval certificates until the end of their validity.
- (11) *In accordance with point 34 of the Interinstitutional Agreement on better law-making¹, Member States are encouraged to draw up, for themselves and in the interests of the Union, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public,*

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Without prejudice to Article 6(1), Directive 71/349/EEC is repealed with effect from 1 July 2011.

Article 2

Subject to Article 4 and without prejudice to Article 6(2), Directives 71/347/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC are repealed with effect from 1 December 2015.

Article 3

Subject to Article 4 and without prejudice to Article 6(3), Directives 71/317/EEC and 74/148/EEC are repealed with effect from 1 December 2015.

Article 4

By 30 April 2011, the Commission shall, on the basis of reports provided by the Member States, evaluate whether the measuring instruments falling within the scope of the Directives referred to in Articles 2 and 3 need to be included in the scope of Directive 2004/22/EC and whether the transitional measures and date set for repeal of those Directives need to be adjusted accordingly. The Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal to that effect.

¹ *OJ C 321, 31.12.2003, p. 1.*

Article 5

1. Member States shall adopt and publish, by **30 June 2011**, the laws, regulations and administrative provisions necessary to comply with **Article 1**. They shall forthwith communicate to the Commission the text of those **measures**.

They shall apply those **measures** from **1 July 2011**.

When **they are adopted by** Member States, **those measures** shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. **Member States shall adopt and publish, by 30 November 2015, the laws, regulations and administrative provisions necessary to comply with Articles 2 and 3. They shall forthwith communicate to the Commission the text of those measures.**

They shall apply those measures from 1 December 2015.

When they are adopted by Member States, those measures shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 6

1. EC initial verifications and calibration certificates issued until **30 June 2011** under **Directive 71/349/EEC** shall remain valid.
2. **EC pattern approvals and EC pattern approval certificates issued until 30 November 2015 under the Directives 71/347/EEC, 75/33/EEC, 76/765/EEC and 86/217/EEC shall remain valid.**
3. **Weights in conformity with Directive 71/317/EEC and weights in conformity with Directive 74/148/EEC may be subject to EC initial verification in accordance with Articles 8 to 10 of Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and methods of metrological control¹ until 30 November 2025.**

Article 7

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 8

This Directive is addressed to the Member States.

¹ OJ L 106, 28.4.2009, p. 7.

Done at...**■** ,

For the European Parliament
The President

For the Council
The President