



EU Public consultation about simplifying 8 legal metrology directives

Comments of the International Organization of Legal Metrology

Please find below the comments of the OIML to the Public Consultation related to the eight Old Approach Directives under the framework Directive 71/316/EEC.

1 Views on each of the three options in the light of the issues mentioned in the following chapters? Stakeholders are invited to present any other options that they would deem desirable.

Council Directive **76/766/EEC** of 27 July 1976 on the approximation of the laws of the Member States relating to alcohol tables does not need to be kept as a European Directive. This Directive in fact copies tables of properties of solutions of alcohol in water, which are given in OIML Recommendation R 22 (also referenced by the International Organization of Vine and Wine). It does not result in any conformity assessment for free circulation of products. Reference to OIML R 22 in the Directives related to alcoholometers and alcohol hydrometers, as giving the reference values for these solutions, should be sufficient. For this Directive, **Option 2** (repeal) is appropriate.

The **seven other Directives** should not be repealed. **Option 3** (adding appropriate annexes to the Directive 2004/22/EC) is the most appropriate option, for the following reasons:

- Due to the evolution of technologies, most of these old approach Directives are outdated and do not take into account electronic instruments and software, nor do they take correctly into account environmental conditions and influences on the instruments; Directive 2004/22/EC would allow this;
- The conformity assessment procedures required by the framework Directive 71/316/EEC are no longer applicable to these products and very likely are not applied anymore;
- Directive 2004/22/EC establishes a more consistent harmonization, as it does not allow Member State to keep alternative optional regulations on these products;
- Directive 2004/22/EC complies with Article 2.4 of the Technical Barriers to Trade Agreement (World Trade Organization), as it allows reference to "normative documents" to be used for establishing compliance with the essential requirements, the OIML being an International Standard-setting organization in the sense of the TBT Agreement.

2. What is the rhythm of technological progress and how would it be best served by each of the options?

Technological progress has been quite fast since these old approach Directives were adopted, and this affects specially the following Directives:

- Council Directive 75/33/EEC of 17 December 1974 on the approximation of the laws of the Member States relating to cold-water meters.
- Council Directive 76/765/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to alcoholometers and alcohol hydrometers (electronic instruments are now commonly used for these measurements)
- Council Directive 86/217/EEC of 26 May 1986 on the approximation of the laws of the Member States relating to tyre pressure gauges for motor vehicles
- Council Directive 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 grain (this function is integrated in electronic moisture meters and these electronic instruments are used in most cases).

Council Directive 71/349/EEC of 12 October 1971 on the approximation of the laws of the Member States relating to the calibrating of the tanks of vessels may also be affected by possible provisions on ships tanks related to the protection of the environment (prevention of greenhouse gases).

3. What are the current economic impacts of the sectors and how would they change in respect of the options?

Concerning cold water meters, Directive 2004/22/EC only addresses meters for potable water. It does not clearly address water meters used on the networks to manage this essential resource nor meters for irrigation. With regards to the environment, this is a quite essential domain for which the transfer from framework Directive 71/316/EEC to Directive 2004/22/EC (option 3) is of utmost importance.

Measurement of alcohol content in alcoholic beverages is the basis for establishing taxes on these beverages in each member state. The stakes may be evaluated by looking at the amount of these taxes in each EU Member State (and in Member States having an agreement with the EU). Furthermore the alcohol content is a regulated information required on labelling, not recognizing it would affect the whole trade of alcoholic beverages.

Tyre pressure gauges are mostly manufactured in far east countries (although some are manufactured in EU eastern countries). They are then imported in the EU. The issue here is a road safety issue. It is generally considered that 6 % of deaths on the road are due to bad tyres pressure. Accidents in Europe due to bad tyres pressure in 2005 resulted in a cost of 310 million Euros of financial damages (see <http://www.flotauto.com/gestion-pneumatiques-un-budget-moderate-pour-un-role-essentiel--A1491-flottes-automobiles.htm>).

Concerning fuel consumption, the average person who drives 19 000 kilometres yearly on under-inflated tires uses about 545 extra litres of gas, at a cost of 190 to 315 Euros (\$300-\$500) a year. And each time one of those liters of gas is burned, 2.3 kilogrammes of carbon dioxide is added to the atmosphere as the carbons in the gas are released and combine with the oxygen in the air. As such, any vehicle running on soft tires is contributing as much as 1.3 extra tons of greenhouse gases to the environment annually (see http://environment.about.com/od/greenlivingdesign/a/tire_pressure.htm).

4. Are there currently economies of scale and what are the expected effects of the various options on economies of scale?

No comment from the OIML

5. What is the current situation of small and medium sized enterprises and what is to be expected under the various options, also as regards the possibility to develop market niches and administrative burdens?

No comments from the OIML

6. What the effects are of the various options on needs of consumers and employees?

Option 1 (no change): this would not change the situation for consumers and citizens, but as the existing Directives poorly meet the needs and are poorly implemented, there will be no improvement of consumer protection, of road safety or of environmental protection

Option 2 (repeal existing Directives): this would result either in no more protection of consumers, citizens and environment in the fields covered by these old approach Directives, or in national regulations which may set barriers to trade despite the provisions of the EU or of the TBT Agreement.

Option 3 (convert them into MID annexes): this would clearly harmonize the protection of consumers, citizens and the environment on a high level.

7. What are the environmental effects of the uses and how could they be influenced by the various options?

See comments on question n° 3

8. What are the needs of government and what are the effects of the options, notably also as regards market surveillance?

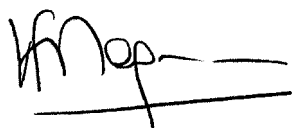
See comments on question n° 3

9. To provide comments on whether all issues and alternatives concerning the Directives concerned by the simplification have been highlighted in the above text.

No comments from the OIML

10. And to indicate the overall costs and benefits that they expect to have as a result of any of alternative option.

No comments from the OIML



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