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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.11.2008
COM(2008) 785 final

2007/0187 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

common position of the Council on the adoption of a proposal for a Directive of the European Parliament and of the Council amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement

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1. BACKGROUND

Date of transmission of the proposal to the EP and the Council 10 September 2007
(document COM(2007)510– 2007/0187(COD):

Date of the opinion of the European Economic and Social Committee: 12 December 2007

Date of the opinion of the European Parliament, first reading: 29 November 2007

Date of transmission of the amended proposal: N.A.

Date of political agreement (Agriculture Council, A-point) 15.07.2008

Date of adoption of the common position (Council): 18.11.2008

2. OBJECTIVE OF THE COMMISSION PROPOSAL

Directive 80/181/EEC harmonised within the European Union the legal units of measurement for expressing quantities, in accordance with the “International System of Units” (SI) adopted by the General Conference of Weights and Measures set up by the Metre Convention signed in Paris on 20 May 1875.

The Directive ensures a common approach on the basis of Article 95 of the EC Treaty, removing thus the barriers to trade within the Internal Market due to units of measurement in line with international standards.

The proposed modification of Directive 80/181/EEC intends to continue the current practice by:

- Permitting indefinitely the use of supplementary indications. This will ensure a continued application of the current practice and will allow continuing flexibility as regards non-metric units when no metric units exist, e.g. binary measurements in computing (bits, bytes).
- Including the new SI unit for catalytic activity (the “katal”), adopted by the General Conference on Weights and Measures.

- Allowing the United Kingdom and Ireland to continue the limited exemptions concerning specified uses of the pint, mile and the troy ounce, considering absence of impact of these exemptions on cross border trade and the principle of subsidiarity; whilst repealing the exemption for the use of acre for land registration which is no longer applied.
- Clarifying the scope of the Directive to be fully in line with the existing Treaties by no longer mentioning specific fields to which the Directive is applicable.

3. COMMENTS ON THE COMMON POSITION

3.1 Overall remarks on the common position

The Council supported the Commission’s proposal on condition of a number of technical changes reflecting developments in international standards relating to units of measurement and a clause on reporting, and review if needed, after 10 years.

3.2 European Parliament amendments included in full, in part or in principle in the amended proposal and incorporated in full, in part or in principle in the common position

There were no amendments by the European Parliament.

3.3 European Parliament amendments not included in the amended proposal and not incorporated in the common position

There were no amendments by the European Parliament.

3.4 Changes to the original proposal introduced by the Commission in the amended proposal and incorporated in the common position

There was no amended proposal.

3.5 Other modifications introduced by the Council common position compared with the original proposal

In the common position the following points have been introduced to the original proposal. These are primarily technical in nature.

Delete the last words “on a permanent basis” of recital 3.

Change ‘would’ to ‘could’ in recital 4 and renumber to recital 6.

Renumber recitals 5, 6 and 7 to recitals 8, 10 and 12 respectively.

Add recital 7 and Article 1(5)(b), (c) and (d) in order to adapt the definitions of ‘radian’ and ‘steradian’ and to include them under article 1(5)e reflecting the elimination of supplementary indications from the international SI system in line with the international standard agreed in 1995.

Add recital 9 and Article 1(5)(a) in order to actualise the definition of Kelvin in line with the international standard agreed in 2007.

Add recital 11 and in Article 2.1, first paragraph, cross out the words “and a correlation table between those provisions and the Directive” thereby repealing the requirement to Member States to provide correlation tables. This change is subject to a Commission declaration, see under point 5 below.

Add recital 4, stressing the importance of promoting the SI-system, and recital 5, indicating the interest of the EU to opening up third markets for only SI-labelled products. Both recitals motivate the added Article 1(4) concerning a clause on reporting, and review if needed, to be followed up by the Commission by at the latest 2019.

Renumber Articles 1(4)(a), 1(4)(b) and 1(4)(c) to Articles 1(5)(e), 1(5)(f) and 1(5)(g) respectively.

Article 1(4)(a) (renumbered as Article 1(5)(e)) retakes the whole of Annex, Chapter I, points 1.2.2 and 1.2.3 with as only changes:

- Change of the title of point 1.2.2 from “SI derived units” to “General rule for SI derived units”.
- Insertion in the table under point 1.2.3 of two new first lines for ‘radian’ and ‘steradian’ (see point above adding recital 7) as well as the originally proposed line for ‘katal’ at the end.

4. CONCLUSION

The Commission supports the common position.

5. DECLARATION BY THE COMMISSION

As regards the provision by Member States of correlation tables, the Commission has made a declaration to CORPEPER on 12.12.2007 as follows:

Commission Declaration Re Recital 6a and Article 2.1

“The Commission recalls its position concerning the creation by Member States of correlation tables linking the transposition measures taken by the Member States with the directive, in the interest of citizens, Better Regulation and transparency and to assist the examination of the conformity of national rules with Community provisions.

In this instance, the Commission does not stand in the way of an agreement at Council with a view to the successful conclusion of the inter-institutional procedure on this file. However, it expects this horizontal matter to be considered jointly by the institutions.”