



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 June 2008

11242/08

**Interinstitutional File:
2007/0187 (COD)**

**MI 229
ENT 155
CONSOM 80
CODEC 888**

"A" ITEM NOTE

from : General Secretariat of the Council
to : Council

No. prev. doc. : 10982/08 MI 223 ENT 148 CONSOM 77 CODEC 840

No. Cion prop. : 12959/07 MI 211 ENT 107 CONSOM 103 CODEC 940

Subject : 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
- Political agreement

1. The Commission submitted its Proposal to the Council and the European Parliament on 10 September 2007.
2. On 26 September 2007, the Council decided to consult the Economic and Social Committee which gave its opinion on 12 December 2007.
3. The European Parliament voted its Opinion at first reading on 29 November 2007. The Opinion of the Parliament contains no amendments to the Commission's proposal.

4. On 12 December 2007, the Permanent Representatives Committee approved certain changes to the Commission proposal and mandated the Presidency to meet informally with the Rapporteur of the European Parliament to discuss the Council changes with a view to preparing for an early second reading agreement.
5. Following informal contacts with Parliament, the Presidency presented a compromise text, which was approved by the Permanent Representatives Committee on 18 June 2008. The Committee also mandated the Chair to send the agreed text to the European Parliament.
6. In a letter dated 25 June 2008, the Chair of the IMCO Committee of the European Parliament confirmed, under the terms of the Joint Declaration on Codecision, that the IMCO Committee could agree to support an agreement between the Institutions at second reading on the text presented by the Presidency. This text is set out in the Annex to this Note.
7. At its meeting on 27 June 2008, the Permanent Representatives Committee agreed to invite the Council to confirm the Political agreement on the text set out in the Annex to this Note as an "A-item".

Conclusion

The Council is invited to confirm its Political agreement on the text set out in the Annex to this Note as an "A-item" at its meeting on 15 July 2008 with a view to the subsequent adoption of its Common Position following legal-linguistic finalisation of the text.

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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

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

Acting in accordance with the procedure laid down in Article 251 of the Treaty²,

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

Whereas:

- (1) Directive 80/181/EEC¹ requires the United Kingdom and Ireland to fix a date for ending the exemptions, where they are still being applied, in respect of pint for milk in returnable bottles and beer and cider on draught, mile for road signs and speed indications, and troy ounce for transactions in precious metals. However, experience has shown that, given the local character of those exemptions and the limited number of products concerned, the maintenance of the exemptions would not lead to the imposition of a non-tariff barrier to trade, and as a consequence there is no longer a need to put an end to those exemptions.
- (2) It is appropriate to clarify that the scope of Directive 80/181/EEC is consistent with the objectives referred to in Article 95 of the Treaty and that it is not limited to any specific Community fields of action.
- (3) Directive 80/181/EEC authorises the use of supplementary indications in addition to the legal units laid down in Chapter I of the Annex to that Directive until 31 December 2009. However, in order to avoid creating obstacles for Community companies exporting to certain third countries that require products to be marked in other units than those laid down in Chapter I, it is appropriate to maintain the authorisation to use supplementary indications.
- (3a) Directive 80/181/EEC supports the smooth functioning of the internal market through the level of harmonisation of units of measurement it prescribes. In this context, it is appropriate that the Commission monitors market developments relating to this directive and its implementation, notably on possible obstacles to the functioning of the internal market and any further harmonisation required to overcome these obstacles.

¹ OJ L 39, 15.2.1980, p. 40. Directive as last amended by Directive 1999/103/EC of the European Parliament and of the Council (OJ L 34, 9.2.2000, p. 17).

- (3b) It is appropriate that the Commission continues to strongly pursue, in the context of its third country trade relations including the Transatlantic Economic Council, the acceptance in third country markets of products labelled only in SI units.
- (4) Supplementary indications could also allow the gradual and smooth introduction of new metric units which may be developed at the international level.
- (4a) In 1995, the General Conference on Weights and Measures decided to eliminate the class of SI supplementary units as a separate class in the SI and to interpret the units “radian” and “steradian” as dimensionless SI derived units, the names and symbols of which may, but need not, be used in expressions for other SI derived units, as is convenient.
- (5) In 1999 the General Conference on Weights and Measures, adopted, within the framework of the International System of Units (SI), the “katal”, symbol “kat”, as the SI unit for catalytic activity. This new harmonised SI unit would ensure a coherent and uniform indication of units of measurement in the fields of medicine and biochemistry and would as a consequence eliminate any risks of misunderstanding arising from the use of non-harmonised units.
- (5a) In 2007 the General Conference on Weights and Measures, adopted, to eliminate one of the major sources of the observed variability between differed realisations of the water triple point, a note to the definition of the kelvin. The kelvin is defined as a fraction of the thermodynamic temperature of the triple point of water. The note refers to water of a specified isotopic composition.
- (6) Since the acre is no longer in use for land registration purposes in the United Kingdom and Ireland there is no longer any need to provide for an exemption in that respect.

- (6a) In accordance with point 34 of the Interinstitutional Agreement on better law-making¹, Member States should draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.
- (7) Directive 80/181/EC should therefore be amended accordingly.

HAVE ADOPTED THIS DIRECTIVE:

¹ OJ C 321, 31.12.2003, p. 1.

Article 1

Directive 80/181/EEC is amended as follows:

(1) In Article 1, point b is replaced by the following:

“(b) those listed in Chapter II of the Annex only in those Member States where they were authorized on 21 April 1973.”

(2) In Article 2, point a is replaced by the following:

“(a) The obligations arising under Article 1 relate to measuring instruments used, measurements made and indications of quantity expressed in units of measurement.”

(3) In Article 3, paragraph 2 is replaced by the following:

“2. The use of supplementary indications shall be authorized”

(3a) The following article shall be inserted:

"Article 6b

The Commission shall monitor market developments relating to this Directive and its implementation with regard to the smooth functioning of the internal market and international trade and submit a report to the European Parliament and to the Council on these developments no later than 31 December 2019, accompanied by proposals where appropriate."

(4) The Annex is amended as follows:

(a0) In chapter I, point 1.1, the paragraph "*Unit of thermodynamic temperature*" shall be replaced by the following

“Unit of thermodynamic temperature

The kelvin, unit of thermodynamic temperature, is the fraction 1/273.16 of the thermodynamic temperature of the triple point of water.

This definition refers to water having the isotopic composition defined by the following amount-of-substance ratios: 0.000 155 76 mole of ²H per mole of ¹H, 0.000 379 9 mole of ¹⁷O per mole of ¹⁶O and 0.002 005 2 mole of ¹⁸O per mole of ¹⁶O.

(Thirteenth CGPM (1967), resolution 4 and Twenty-third CGPM (2007), resolution 10)”

(a1) In chapter I, point 1.1.1, the title shall be replaced by the following

“Special name and symbol of the SI derived unit of temperature for expressing Celsius temperature”

(a2) In Chapter I, point 1.2, the title shall be replaced by the following

“SI derived units”

(a3) In Chapter I, point 1.2.1 shall be deleted

(a) In Chapter I, point 1.2.3, the following rows shall be added:

Catalytic activity	katal	kat		$\text{mol} \cdot \text{s}^{-1}$
Plane angle	radian	rad		$\text{m} \cdot \text{m}^{-1}$
Solid angle	steradian	sr		$\text{m}^2 \cdot \text{m}^{-2}$

(b) In Chapter II, the following row is deleted:

Land registration	acre	$1 \text{ ac} = 4\,047 \text{ m}^2$	ac
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(c) In Chapter II, the final sentence is replaced by the following: “The units listed in this Chapter may be combined with each other or with those in Chapter I to form compound units.”

Article 2
Transposition

1. Member States shall adopt and publish, by 31 December 2009 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 January 2010.

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

Article 3

This Directive shall enter into force on the [20th] day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, [...]

For the European Parliament

The President

[...]

For the Council

The President

[...]