

**EXPLANATORY MEMORANDUM TO
THE MEASURING INSTRUMENTS (EC REQUIREMENTS) (AMENDMENT)
REGULATIONS 2008**

2008 No. 1267

1. This explanatory memorandum has been prepared by the National Weights and Measures Laboratory, an Executive Agency of the Department for Innovation, Universities and Skills (DIUS) and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations amend the Measuring Instruments (EEC Requirements) 1988 (S.I. 1988/186) (“the 1988 Regulations”), which transposed the requirements of Council Directive 71/316/EEC on the approximation of the laws of the Member States relating to common provisions for both measuring instruments and methods of metrological control, as amended. The effect of the amendments made by these Regulations to the 1988 Regulations is to insert, and add references to, the national identification marks associated with new Member States in the context of technical checks performed on weighing and measuring instruments.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 These Regulations implement for the purposes of national law a series of minor changes made to Directive 71/316/EEC. The purpose of these changes is explained in section 7 below, which, together with this section, constitutes the “Transposition Note” for these Regulations.

4.2 The operative provision of these Regulations is regulation 2, which implements, by transposition, the following provisions of the following instruments:

(a) Article 29 of, and Title XI(C)(VII) of Annex I to, the Act of Accession of Austria, Sweden and Finland (OJ C 241, 29.8.1994, p.21, adapted by Council Decision 95/1/EC, Euratom, ECSC, OJ L 1, 1.1.1995, p.1) and Article 1 of, and the Annex to, Council Directive 2007/13/EC (OJ L 73, 13.3.2007, p.10), which reflected the accession of those countries and the addition of their identification marks;

(b) Article 20 of, and Title D(1) of Annex II to, the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ L 236, 23.9.2003, p.33) and Article 1 of, and the Annex to, Council Directive 2007/13/EC (OJ L 73, 13.3.2007, p.10),

which reflected the accession of those countries and the addition of their identification marks; and

- (c) Article 1 of, and Title B(1) of the Annex to, Council Directive 2006/96/EC (OJ L 363, 20.12.2006, p.81) which reflected the accession of, and the addition of identification marks for, Bulgaria and Romania.

4.3 The making of these changes to the Directive has been a purely mechanical exercise of ensuring that the system of identification marks reflects the extent of the European Union from time to time. There has been no related policy decision or debate. The changes have not been subject to consultation.

5. Extent

5.1 These Regulations apply to the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Directive 71/316/EEC provides for the pattern approval and verification of certain types of weighing and measuring equipment which are required to comply with standards which are set out in other, more specific directives. Equipment which complies with these requirements, and is marked in the appropriate way to denote its compliance, can then be traded freely throughout the single market.

7.2 When an instrument has been granted pattern approval or has successfully undergone initial verification under Directive 71/316/EEC, it must be marked in such a way as to indicate, amongst other things, by which Member State the approval has been granted or in which Member State the verification has taken place. As originally adopted, the Directive specified the form of these marks, based on stylized versions of the distinguishing letters of the then Member States. As new Member States have joined, the Annex setting out these national identification marks has had to be updated so as to include new marks based on stylized version of the distinguishing letters of the new Member States.

7.3 The national identification marks representing those countries which had become Member States by 1988 were transposed into the 1988 Regulations in Drawing A in the Annex to Schedule 1. These Regulations update Drawing A and the related provisions of Schedule 1 so as to reflect the addition to the Directive of national identification marks for the Member States which have joined since 1988.

7.4 The practical effect of this change is limited. Directive 71/316/EEC has now been superseded, for new designs of certain instrument types, by a “New Approach” directive, Directive 2004/22/EC, known as the Measuring Instruments Directive – although Directive 71/316/EEC remains relevant for certain older instruments which are still manufactured. Moreover, it is not clear whether any of the countries which have become Member States since 1988 are engaged to any significant extent in pattern approval and verification of weighing and measuring equipment which is subject to

Directive 71/316/EEC and the other “Old Approach” directives to which it relates. However, making these Regulations ensures recognition in the UK for any identification marks which are applied in these countries under the Directive 71/316/EEC framework.

8. Impact

8.1 The Regulations impose no appreciable costs either on business or on the public sector, so no Impact Assessment has been prepared.

9. Contact

Any queries regarding the instrument should be addressed to Sue Billing at the National Weights and Measures Laboratory, Tel: 020 8943 7277 or e-mail: sue.billing@nwm.gov.uk